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Scotland and the Spanish Armada

THE Spanish Armada has long been regarded as the great attempt made by Roman Catholic Philip to overthrow heretical Elizabeth. Too much emphasis, perhaps, has been laid upon the expedition, which, though of outstanding magnitude, was only one of a series—an armada sailed as late as 1599—but in the main the common view is correct. The fate of the Invincible Armada represents the defeat of Spain before English sea-power. Where, then, in this great duel is the place of Scotland? She had no great navy, although[1] she produced both traders and pirates in fair numbers; it was not against her that the mighty fleet set sail, and, indeed, her share in the event limits itself to dealing with the few weather-beaten ships which managed to reach her shores. In short, but for Tobermory and its treasure, we should not think of Scotland in connection with the Armada.

The object of this paper is to show that Scotland was vitally concerned, and that this country was during the whole period from 1580 to 1588 a most important card in the diplomatic game of Europe. She was more than a dark mirror in which world-politics were reflected;[2] she was the hinge upon which these world-politics turned.

Now the greatest force which was operating in Europe during

[1] *Cal. Scot. Pap.* passim.

[2] *Der Kampf um Schottland und die Gesandtschaftsreise Sir Francis Walsinghams im Jahre 1583*, Dr. Karl Stählin, p. 123: 'Wie in einem freilich trüben Spiegel wurden dort die Weltverhältnisse reflektiert."

the second half of the sixteenth century was that of the Counter-Reformation. The Roman Catholic Church, reorganised by the Council of Trent, reinforced by the Order of Jesus, set itself to recover its lost dominions. It is possible to account for the Armada simply by considering it as one of the many attempts made by the Counter-Reformation to regain the unhappy souls over whom the heretic queen so cruelly tyrannised. 'Philip,' says a very modern writer in describing the genesis of the Armada, 'was in spirit a true Crusader, born four hundred years too late,'[1] and he considers that the king's wars were in essence wars of religion. To the average man of the period, it is fair to say, such an aspect of the case would be the only true one. To the Catholic the expedition was a holy crusade, to the Protestant it was but part of the devilish scheme of that Antichrist, the Pope of Rome, to regain his lost empire. In the mind of the Protestant the forces of Roman Catholicism were knit in an indissoluble bond and pursued one clear end. He imagined that the 'League' of Catholic powers had been made at Bayonne in 1565, and he saw in the bloody night of St. Bartholomew only the first-fruits of the dreadful harvest. Everywhere he felt the unseen presence of the agents of the League, the Jesuits especially.

The endless wars in the Low Countries, the plottings in England, Scotland, and Ireland, the secret diplomacy of Mary Queen of Scots, all these were but the outward manifestations of the hidden force, working noiselessly, inevitably to its conclusion. In Scotland, for example, Rizzio was considered to be an agent of the Pope, and when in 1579 Esmé Stewart, Sieur d'Aubigny, landed in the home of his fathers he was set down at once as an agent of the League.[2] It was noted also with horror,[3] 'in the same day that d'Aubigné had sent Montgomery, accompanied with a number of the guard, to intrude him in the pulpit of Glasgow and expel Mr. David Wennies (*sic*), minister thereof, was the Prince of Orange shot with the foreknowledge of d'Aubigné and conspiracy at Dublin in Ireland, and Mr. William Creighton, principal of the Jesuits at Lyons, sent into Scotland for the great work that was in hand, so well did the enemies accord to subvert religion with common intelligence at one time in all countries.'

The continuity and the unity of the Roman Catholic design, as it appeared not only to Protestant bigots, but to cold-blooded

[1] *Master Mariners*, J. R. Spears, 133. [2] Calderwood, iii. 488.

[3] *Harl. MSS.* 291. 71. f. 146, quoted by Stählin, *op. cit.* p. 1.

'Politiques,' was largely a thing of their own imagining. Some kind of a league there may have been,[1] but it was certainly a theory rather than a fact. The Conference of Bayonne[2] was only a move in the crafty policy of Catherine de Medicis, and even the massacre of St. Bartholomew cannot be traced to any very deep-laid scheme. Briefly, it is plain that the Counter-Reformation, though perhaps the strongest tendency of the age, did not operate independently. It was bound to take into consideration other forces, and when it did issue into action, it was only as the resultant, so to speak, of the simultaneous action of a complex of religious and political ideals.

Let us dismiss, therefore, the plain notion of a crusade, and admit that the result of the religious upheaval had been to rearrange rather than entirely to displace the existing political settlements. Generally speaking, the balance in Western Europe had been England and the House of Burgundy *versus* France and Scotland; but apart altogether from the effects of the Reformation, certain important changes had been taking place during the sixteenth century. A series of marriages had united with the House of Burgundy not only the Empire but Spain, with the result, as is proved by the case of Charles V., that the 'balance' was utterly destroyed. It is true that, by his marriage with English Mary, Philip II. preserved the old relationship, and France steadily pursued her policy of maintaining a party in Scotland; but none the less, the unceasing pressure upon France produced its sure result. If she was not to be enclosed in the Habsburg ring France must join England, and in the reign of Elizabeth that is in effect what happened. The sheer necessity of resisting the overmighty power of Spain forced the two countries to forget their own quarrel, and despite much mutual suspicion, despite the shifty marriage negotiations, despite even the Great Massacre, they worked in unison. Both, for example, lent aid to the United Provinces, though the Queen of England hated rebels and the most Christian King of France detested heretics. Together they fought against the power which represented the Roman Catholic cause. Why? Because the Counter-

[1] The Rev. J. H. Pollen, in his introduction to *Papal Negociations with Queen Mary*, doubts the existence of the League. Olivares, however (*Cal. Span. Pap. Eliza.* iii. p. 566), certainly writes as if some League had existed during the Pontificate of Pius V. But this may refer to the League made by the Pope, Spain, and Venice against the Turks. Vide *Camb. Mod. Hist.* iii. p. 134.

[2] Vide *Die Zusammenkunft von Bayonne*, Erich Marcks.

Reformation was bound to the wheels of the chariot of Spain. For the medieval theory of the world-state died very hard, and one of the many pale ghosts which survived it was the dream of Spanish imperialism. Philip II., the hero of the Faith, was seeking a political dominion; Elizabeth and Henry III., little as they liked Protestantism, were compelled to oppose him in the name of nationality—itself as yet only an inchoate thing, thanks to these very wars of religion.

In this strange tangle of warring creeds and conflicting political ideals where is the place of Scotland? In spite of the altered balance of power, her geographical position still gave importance to a country which was the 'postern-gate' of England; and when Elizabeth joined hands with her traditional enemy, one of two results became inevitable. Either France would bring with her to the new friendship her old ally Scotland, or else Spain, losing England, would seek and find in Scotland the necessary counterpoise. The first solution of the question might seem to be rendered the more probable because there was in Scotland a feeble but persistent tendency towards union with England, and because, unless Elizabeth had children, the royal house of the northern kingdom was heir to the southern crown. In point of fact, this answer to the problem, foreshadowed by the various schemes of 'Association,' ultimately achieved reality by the Union of Crowns in 1603.

Not, however, without difficulty, for the alternative solution had much to commend it in the eyes of contemporary statesmen. To Philip Scotland could give some very real help, and the possibility at least of other and enormous advantages; it offered him both a convenient base from which to attack England in the rear, and also a potential successor to Queen Elizabeth. Since Elizabeth was a heretic, Mary was Queen not only of Scotland but of England too, and although she seemed likely to die in captivity, her son was free and the obvious heir to the dual crown. Clearly it would be worth the while of mighty Spain to gain the friendship of insignificant Scotland, and to this end Spain spent labour, skill, and money.

Even during her troublous reign Mary had got into touch with Philip, and after her imprisonment the genuine attempts at her release were made in reliance rather upon Spanish[1] than upon

[1] The Guises, it is true, were staunch friends to Mary, but they cannot be definitely included in the term 'French.' At this time they were wavering towards Spain.

French aid. France, indeed, anxious to preserve the friendship with England, showed herself inclined to accept the *fait accompli*, and though obliged to act officially on behalf of Mary, was not really prepared to do very much. Spain, on the other hand, had entered into the various plots with weight, if not with celerity, and the Spanish Ambassador regularly became the centre of the schemes for Mary's deliverance. She, as will be shown, repaid the efforts of Spain to the best of her ability ; but let us leave the tragic figure of the captive Queen and look at the position of her son—a very king of comedy. A gawky boy of fourteen or so, James shuffles on to the historical stage in the year 1580—spindle-shanked, goggle-eyed, of a queer precocity, convinced by hard experience that dishonesty and statecraft are the same thing.

There were, as stated, two alternative policies, and each presented its own difficulties. He might fall in with England and France, but this meant practically the adoption of Protestantism, and many of his nobles were Catholic. If once he took such a line James would alienate all the forces of the Counter-Reformation, would, in the event of Spain's success, utterly condemn himself—and all perhaps in vain. For Elizabeth would never name him officially as her successor, and the crown of England might escape him in the end. The other policy was to declare himself a Roman Catholic, seize the groping fingers of Spain, and join the march of the Counter-Reformation. Spain certainly was holding out a tentative hand, but, even so, the dangers of the course were great. Protestantism might emerge triumphant from the contest, and even if it were beaten James had still to dread the imperial spirit of Spain.

Enough has been said to show the nature of the great duel which was to be fought out in North-west Europe, and to explain the causes which made Scotland, small though she was, of immense value to both protagonists. With the English side of the controversy there is no need to deal. Elizabeth's policy was to resist the Counter-Reformation rather by underhand plots than by open war, and Scotland fell readily into her system. She supported a party there just as she supported one in Portugal, France, or the Low Countries. Her intrigues with the Scottish nobility are well known, but it is worth while to examine carefully the policy pursued in Scotland by Philip II.

In the autumn of 1578, Philip advised Mendoza, his able ambassador in England, to keep a close eye upon the Scots, and also upon the captive queen, since it appeared to him that Scottish

affairs were about to arrive at a crisis.[1] His prediction was correct, for in February, 1580, Vargas[2] reported to him from Paris a conversation he had just had with Archbishop Beaton, Mary's representative at the French court, who had assured him that his mistress had determined to put herself, her son, and her realm under the protection of Philip. Of this purpose, Guise was aware, but otherwise it was a profound secret.[2] The King of Spain was swift to accept the trust;[3] the affair promised well, for Lennox (d'Aubigny) was making great headway in Scotland, and Philip evidently thought that through Mary he could control James.[4] Mary, who was soon in secret correspondence with her son, was of the same opinion, and prepared to use the 'Association'[5] to secure joint action in favour of Roman Catholicism and Spain, though its ostensible purpose was to make easy an alliance between England, Scotland, and France. It soon became apparent, however, that James was somewhat slippery, and his signature of the Covenant of 1580 caused genuine alarm.[6] Henceforth Philip is urging James' conversion,[7] and Mary is anxious to prove that her son is likely to accept the true faith.[8] James, as a matter of fact, had little faith beyond a belief in the necessity of being all things to all men. And not only was the young king a doubtful quantity, but even his Catholic partisans were persons distasteful to Philip. Thus, although Guise had been cognisant of Mary's first offer, and although he was an enemy of Henry III., the Spanish king trusted him very little—indeed, the first thing he did was to suggest Guise's exclusion from future negotiations. Again, neither he nor Mary had much confidence in d'Aubigny,[9] and we find Granvelle quite testy on the subject of his envoy, Ker of Ferniehirst, who arrived in Badajoz armed with a fine broad Scots tongue, and no Spanish.[10]

Philip, as is well known, was by nature unwilling to trust any-

[1] *Cal. Span. Pap. Eliza.* vol. ii. p. 615. [2] *Cal. Span. Pap. Eliza.* vol. iii. p. 4.

[3] *Cal. Span. Pap. Eliza.* vol. iii. p. 22. [4] *Cal. Span. Pap. Eliza.* vol. iii. p. 103.

[5] *Cal. Span. Pap. Eliza.* vol. iii. p. 241, p. 216, p. 331; cf. too pp. 228, 250, 257.

[6] *Cal. Span. Pap. Eliza.* vol. iii. p. 90, p. 102.

[7] *Cal. Span. Pap. Eliza.* vol. iii. p. 31, p. 160.

[8] *Cal. Span. Pap. Eliza.* vol. iii. pp. 241-242, p. 257.

[9] For Spanish distrust see *Cal. Span. Pap. Eliza.* vol. iii. p. 124, p. 195, p. 204. For Mary's see *Cal. Span. Pap. Eliza.* vol. iii. p. 331, and her own letters in *Labanoff*, vol. v. p. 134, p. 124, p. 61; and *Cal. Scot. Pap.* vol. vi. p. 86.

[10] *Cal. Span. Pap. Eliza.* vol. iii. p. 7 n.

one, but in this case the facts justified him. His own idea was to proceed quietly, confiding only in Mendoza and Mary. Neither Beaton nor Tassis,[1] who had succeeded Vargas at Paris, was taken into the secret, and though a few ardent clerics, notably Parsons and Allen,[2] knew of the scheme, it is plain that the bulk of the Jesuits did not. Mendoza soon got into touch with the Scots nobility, who moderately demanded the assistance of 2000 men,[3] but before long the plot fell into the hands of several priests, and they pushed the scheme forward with an earnest zeal which produced a disconcerting publicity.[4] Lennox became the figure-head of the conspiracy, and in March, 1582,[5] he sent letters to the Pope, Mary, Glasgow, Guise, and Tassis, containing details of a plan of incredible and impossible proportions.[6] All the various personages mentioned were to act along with Spain, and the assistance now set down as essential amounts to 20,000 men, as well as great sums of money and guarantees against loss. Such a scheme was the ridiculous product of frothy imaginations; Mary was vastly annoyed,[7] and Philip withdrew.

Not, indeed, officially. Mendoza remained in England to be the centre of all plots until the discovery of the Throgmorton conspiracy[8] led to his dismissal, and from the tangled maze of the plans for murder and invasion, which mark the next few years, a few great principles emerge. Joint action between the different Roman Catholic powers is proved to be an impossibility. France is naturally out of the question, and Guise, though hated by Henry III., and hating in return, is still French. Even between the Papacy and Spain there is little harmony, although a principle of joint contribution (one to three) for the English enterprise has been laid down.[9] The correspondence between Paris, Rome, and Spain, published by Father Knox, reveals plainly that zeal for the

[1] *Cal. Span. Pap. Eliza.* vol. iii. p. 197.

[2] Vide *Graves Law: Collected Essays*, pp. 217-243.

[3] *Cal. Span. Pap. Eliza.* vol. iii. p. 286.

[4] *Vide* 'The Evolution of the Spanish Armada,' Martin Hume, in *The Year after the Armada.*

[5] Kretzschmar, *Die Invasionsprojekte der katolischen Mächte gegen England.* This information is well collected, pp. 61-63.

[6] *Cal. Span. Pap. Eliza.* vol. iii. p. 371, and Kretz. p. 123 ff.

[7] *Cal. Span. Pap. Eliza.* vol. iii. p. 331.

[8] *Cal. Span. Pap. Eliza.* vol. iii. p. 513. On Jan. 19th, 1584, Mendoza got 15 days' notice to leave England.

[9] *Letters and Memorials of Cardinal Allen*, edited by Knox, p. 411.

common cause was not sufficient to produce a readiness to pay. As a consequence of this failure to combine, it is not strange to find two well-marked parties amongst the Roman Catholic refugees upon the Continent, one of which attaches itself to the Curia, whilst the other relies upon Spain. Paget, Morgan, and Father Crichton[1] agreed with the Duke of Guise and the Pope in believing that James might be converted, and their schemes of invasion always included the landing in Scotland of a composite army.[2] Allen,[2] on the other hand, and ere long Parsons too,[3] inclined to use the help of Spain only, and to make the invasion by way of England. Indeed, by April, 1584, the plan of entering *via* Scotland is being discussed as a 'new design.'[4]

In effect, by 1584, the 'enterprise' has become definitely Spanish, and, as the death of Alençon[5] in that year forced Guise to concentrate his energies upon France, Philip[6] was able to take the game into his own hands. The 'enterprise of England' began to take a definite shape, and it is clear that, as the claims of Scotland to be the landing-place had been disregarded, so the claims of the Scottish candidates for the throne were treated with less and less respect. James' conduct, it is true, did not inspire confidence, and Mary[7] was at times really inclined to make a bargain with Walsingham. It was partly for these reasons, and partly

[1] Knox, *op. cit.* pp. 320, 386, and 392.

[2] Mendoza had mentioned Allen as a reliable man in Oct. 1581 (*Cal. Span. Pap. Eliza,* vol. iii. p. 197), but he appears to have hoped for joint action for some time (Knox, *op. cit.* p. 201). Parsons certainly did (Knox, *op. cit.* pp. 425, 433; and Kretz., *App.* 8). The details of the plot captured with Fa. Crichton in 1584, referred to a scheme of Parsons' devising in 1582. In 1583 he was still working for a combined invasion (Knox, *op. cit.* lvii.); but in the beginning of 1584 he and Allen are relying upon Spain (Knox, *op. cit.* p. 222), and it seems from a letter of de Tassis of Nov. 1583, that Parsons distrusted James (*Cal. Span. Pap. Eliza.* vol. iii. p. 509). By May 27, 1584, both Parsons and Allen are resolute to exclude Scotland (*Cal. Span. Pap. Eliza.* vol. iii. p. 526, and Knox, *op. cit.* p. 231).

[3] *E.g.*, *Cal. Span. Pap. Eliza.* vol. iii. pp. 333, 503, 521.

[4] Tassis in his letter of Nov. 15, 1583, mentions as a fact Philip's intention to invade from Flanders, and treats the idea of commencing by Scotland as a thing of the past. Possibly the evil report of Maineville presented to Philip in June, 1583, (*Cal. Span. Pap. Eliza.* vol. iii. p. 479) may have aided Philip to come to this conclusion. It was the Nuncio in France who used the expression 'new design' in a letter to Como (Knox, *op. cit.* p. 230), but it appears to refer to the conspiracy as a whole.

[5] June 10, 1584.

[6] *Cal. Span. Pap. Eliza.* vol. iii. p. 544.

[7] Knox, *op. cit.* Intro. lxix.

because Spanish imperialism[1] inevitably asserted itself, that Philip, whose councillor, Granvelle, had dismissed altogether the idea of conquest,[2] began very seriously to consider his own claims to the English crown. If he was to do the work, it seemed just that he should have the reward. His attitude to Mary is one of cold calculation. 'I see what the Queen of England, tired of her long imprisonment, wrote to you,'[3] he observes callously to Mendoza, and he praises his ambassador for discouraging her scheme of escape. His satellites followed in the same strain—'*Even if* Mary was made queen, they trusted that Spain would not abandon them.[4]

Philip, then, is fairly embarked upon a design of self-aggrandisement. In February, 1585, Allen is pointing out that the plan was in the hands of a very few,[5] and in the autumn of the same year he and Parsons go off to Rome to urge the Spanish cause.[6] The beginning of 1586 finds them busy assisting Olivares, the ambassador of Spain at Rome, to convince the Pope that James was not to be converted but *disinherited*.[7] For that is really the sum of Philip's ambition, as his correspondence with Olivares plainly shows. In May, 1584, the ambassador was demonstrating to the Pope that the Scottish way was of little value,[8] and in July of the following year, we find him refuting the views of the 'French' party at the Vatican, which was anxious for James' conversion.[9]

[1] *Cal. Span. Pap. Eliza.* vol. iii. p. 506. When in Aug. Philip received a memorial in which Guise undertook to expel all foreign troops after Mary's restoration, he underlined the passage and wrote 'ojo' in the margin.

[2] *Cal. Span. Pap. Eliza.* vol. iii. p. 383. 'We cannot hope to hold the island for ourselves.'

[3] *Cal. Span. Pap. Eliza.* vol. iii. p. 476. Mary believed she could escape almost at will in 1583. *Vide* Knox, *op. cit.* p. 413. The Spanish schemes are quite callous on the possibility of Mary's death. Cf. Knox, *op. cit.* Intro. lxxxvi.

[4] *Cal. Span. Pap. Eliza.* vol. iii. p. 526.

[5] Knox. *op. cit.* p. 247. He was quite correct; even he and Parsons were not told too much. Knox, *op. cit.* Intro. lxxiv. and lxxxvii.

[6] Knox, *op. cit.* p. 222 n.

[7] Philip had at first thought to use James as a tool. At first he expected the young king to be sent to Spain (*Cal. Span. Pap. Eliza.* vol. iii. p. 23). As late as the early summer of 1584 we find him well disposed to James, and promising money (*Cal. Span. Pap. Eliza.* vol. iii. pp. 525, 527). At this time Tassis and Guise were still in favour of James (*Cal. Span. Pap. Eliza.* vol. iii. p. 521), and it was to Tassis that these friendly messages to James were sent. He was never in the secret.

[8] *Cal. Span. Pap. Eliza.* vol. iii. p. 526.

[9] *Cal. Span. Pap. Eliza.* vol. iii. p. 541. The French party was led by Cardinal d'Esté.

Meanwhile the accession of Sixtus V.[1] had strengthened the hands of the vigorous party, and Olivares' position was also improved by the bad reports of the Scottish king.[2] His correspondence unluckily is not all extant, but an important despatch and memorandum of February 24th, 1586,[3] reveal how very far the affair had gone. Philip had evidently decided to obtain the crown for his daughter, the Infanta Isabella Clara Eugenia, but he shrank from having James publicly disinherited partly to avoid publicity, partly because he wished to make sure of the papal contribution before he showed his hand;—for Sixtus V. was no fool. Despite all these limitations, however, Olivares established two important points. The Guises were to be excluded from the enterprise of England, and the question of a successor to Mary was to be left in Philip's hands. Ostensibly the end of the design was still the liberation of the captive queen, but it is plain from Philip's own letters that he regarded with equanimity the prospect of her death.[4] Without further preparation, however, it was impossible to broach the great secret of the Spanish design, and during the next two years Olivares was busily engaged not only in extracting a definite promise from Sixtus as regards the money, but also in preparing him for the announcement of Philip's intentions as to the English crown. One of the devices adopted was to persuade the Pope to make Allen a cardinal, as this would give a good head to the enterprise in the event of Mary's death,[5] and would besides reinforce the Spanish party in the Sacred College. In public, of course, only the first of these two reasons was adduced, and after the news of Mary's execution had reached Rome, such an argument did not lack weight. None the less Sixtus was very slow to act, averring that, according to rule,[6] all promotions should be made at Christmas, and in the end Olivares was compelled to adopt the extraordinary manœuvre of showing to the Pope instruc-

[1] April 24, 1585. Sixtus was full of great schemes, but short of money. He had no intention of being 'exploited' by Spain.

[2] *Cal. Span Pap. Eliza.* vol. iii. p. 560 ff. Original text in Knox, *op. cit.* p. 251 ff.

[3] *Cal. Span. Pap. Eliza.* vol. iii. p. 547.

[4] From the Spanish sources it is clear that Spain was quite sure of Mary's co-operation, but quite prepared for her death. After her death there were few regrets—indeed the event was considered rather fortunate (cf. *Cal. Span. Pap. Eliza.* vol. iv. pp. 42, 43, 101, and Knox, *op. cit.* pp. lxxxvi, xc, xciv).

[5] The story of Allen's promotion is well described in Knox, *op. cit.* cf. pp. lxxxvi and cii. It is plain that only a cardinal was wanted, and the scheme of making Allen, Archbishop of Canterbury, was negatived by Spain (Knox, lxxxix).

[6] Knox, *op. cit.* p. lxxxix and p. 277.

tions which Philip was supposed to have written on the assumption that Allen was already a cardinal.[1] These instructions had been forged by the ambassador himself, but the device proved successful, for six days after the trick had been played Allen was duly promoted—August 7th, 1587. Henceforth the new cardinal was a person of much weight at Rome, and in 1588, just before the Armada sailed, he joined with Olivares in drawing up a scheme for filling the various benefices and appointments in England in the event of a successful issue.[2]

Meanwhile not a word was breathed of Philip's own claim; the matter was very far from easy, as Olivares found, when in March, 1587, he consulted Allen and Parsons on the matter.[3] His own letter, as well as the written opinions of the two ecclesiastics, are still extant, and make it patent that all three were extremely doubtful as to the value of Philip's title by descent, and nervous about the possible claims of Parma. They were able to pick holes in the arguments adduced by the Bishop of Ross,[4] as appears from a later memorandum,[5] but suggested that, as the case was uncertain, it would be better to postpone the discussion until the succession had been first established by way of conquest. Olivares himself suggested three possible modes of procedure,[6] but inclined personally to the following method: Philip should point out to the Pope, that the arrangement of February, 1586, had committed both to opposing heretical James, and that, accordingly, the Most

[1] Spain's urgency appears in the spring and summer of 1587 (Knox, *op. cit.* p. xcv and p. ciii). Olivares' trick is described, p. civ and p. 295.

[2] Knox, *op. cit.* p. cvi. The original is on p. 303, *et seq.*

[3] Olivares' letter and Allen's opinion appear in Knox, pp. xc and 275, and pp. lxxxix and 272. Parsons' opinion of the same date is in *Cal. Span. Pap. Eliza.* vol. iv. p. 41. Olivares refers to this opinion of Parsons, Knox, p. xci (of date March 18th). Father Knox supposes (p. xcvi) that the memorandum he prints (p. 281) was enclosed by Olivares in his letter. This cannot be so, for Olivares' letter (23rd March) was written under the assumption that Mary was still alive, whereas the 'memorandum' refers to her death. The news of Mary's death arrived in Rome on March 24th (*Cal. Span. Pap. Eliza.* vol. iv. p. 50). Olivares' letter is interesting as showing a great distrust of Sixtus, 'from whom no secrecy can be expected except by miracle or in affairs of no importance' (Knox, p. 275), and also as revealing a doubt in the writer's mind lest Philip should claim in person (Knox, p. 277).

[4] The Bishop of Ross was a great upholder of the title of Mary and later of James. His vindication of the Scottish claim was published several times and in several languages. Latin editions were published in 1580 and 1584, and a French edition in 1587 (vide *Dict. Nat. Biog.* sub. 'Leslie, John').

[5] Knox, *op. cit.* pp. xcvi and 281. [6] Knox, *op. cit.* pp. xciii and 277.

Catholic King, casting about in his mind for a successor, had thought of his own daughter. At this juncture arrived news of the will and last letter of Mary Stuart, which led to his examining the question very carefully, with the result that he discovered his own title to be better even than that of the luckless queen. Philip could disclaim any intention of disturbing Mary, and could represent his own right to the crown as a thing only recently discovered; but in any case, the ambassador concluded, it would be wise to lay most stress upon the actual fact of conquest, since Sixtus would, under any circumstances, hate to see England united to the Spanish empire.

It is quite clear that Philip's path was far from straight, but the death of Mary,[1] as Allen himself remarked, improved the situation, and it was Allen who was trusted, at the end of March,[2] with the delicate task of opening the question to the Pope. He was instructed to lay stress on the fact that Mary had recognized that her son was a hopeless heretic, and, if the matter of the succession came up for discussion, to state that Philip was quite aware of his own claim, and was determined, as a Catholic prince, sooner or later to attack the heretical King of Scotland. The French party, who believed in the possibility of converting James, naturally pressed his claim hard, but Olivares was inclined to allow them to talk, whilst Allen and Parsons quietly prepared a book on the subject of the King of Spain's just title to the English throne.[3]

Olivares, it will be observed, makes mention of a will[4] according to which Mary Stuart made Philip her heir, and it has been generally believed that the angry Queen did in fact disinherit her son shortly before her death. Froude, who regards Mary's behaviour at her execution as a splendid example of the histrionic art, finds a conspicuous proof of her mendacity in her speech to Andrew Melville as she passed to the block—'Commend me to my son, tell him I have done nothing to prejudice his kingdom of Scotland.'[5] Philip certainly believed that such a will had been made, and Mary's own letters are undoubtedly full of fierce anger and threats against the treacherous James; but that she actually disinherited him is at least not proven. What Mary did say was that if her son remained obstinate in his heresy she would make a will disinheriting him, but in a later letter she stated that it was

[1] Knox, *op. cit.* p. c, and pp. 286, 288. [2] Knox, *op. cit.* p. c, and p. 289.

[3] *Cal. Span. Pap. Eliza*, vol. iv. p. 122.

[4] On this alleged Will see a note in *Scottish Historical Review*, vol. xi. p. 338.

[5] Froude, *Elizabeth*, vol. v. p. 317.

unlikely that she would be able to make a testament at all. As far as can be discovered, no copy of such a will was ever found, and the Spaniards were evidently hard put to it to establish proof of its existence. Curle had seen minutes of it in Walsingham's house. Mistress Curle brought a message sent by Mary immediately before her death, which certainly made over the three crowns to Philip, provided her son remained obstinate, but which also besought Philip to do his utmost to bring James back to the true faith. The report that Elizabeth frightened James with the story of the will is credible enough, but it does not prove that the will ever existed; for Mary's letter of May 20, 1586, in which she threatened to disinherit her son had passed through Walsingham's hands. Thus the English government could assume the existence of the document, and the rumour that Elizabeth burnt it with her own hands was probably invented to account for the fact that no copy could be found.

And, on the whole, it seems likely that no such will was made; certainly it never came into the hands of Philip. His ambassador, Mendoza, did indeed receive a will, but this dealt with private affairs and did not mention the crown at all. The very zeal of the Spaniards in collecting the evidence of Mary's servants, and their manifest anxiety about her letter to the Pope, are additional grounds for believing that the famous project of the will was never carried into execution. The story, however, was bruited abroad on all hands, and obviously it was not the interest of Philip to contradict it. Officially he himself believed it, and used it as the coping stone to his claims upon the English and Scottish crowns.

James, it is clear, was in a parlous state. Ostensibly he was by virtue of the treaty of July 5th, 1586,[1] the pensioned ally of Queen Elizabeth; the execution of his mother supplied him with an excellent logical advantage over his paymistress, but he had no real intention of quarrelling with her.[2] He accepted her purgation of 'yon unhappy fact,'[3] and, though he was inclined to make the most of his grievances,[4] allowed himself to be soothed with

[1] Thorpe, *Cal. Stat. Pap. Scot. Eliza.* vol. i. p. 529.

[2] Calderwood, vol. iv. p. 611, and Froude, *Elizabeth*, vol. v. p. 327 and n. and p. 333.

[3] Bruce, *Letters of Elizabeth and James VI.* (*Camden Soc.* 1849), pp. 45-6.

[4] Thorpe, *Cal. Stat. Pap. Scot. Eliza.* vol. i. p. 549. James shows himself dissatisfied; but p. 551 of the same calendar contains a receipt for £5000. Cf. Bruce, *op. cit.* pp. 47-50, and Calderwood, vol. iv. p. 612, and Robert Carey's *Memoirs*, p. 49. Cf. too Archibald Douglas' correspondence in *Hist. MSS. Com. Salisbury*, vol. iii.

soft words and hard cash. None the less the English ministers were far from easy about their northern neighbour, and the reports of their agents certainly supplied grave cause for disquietude. It was the practice of those political jackals[1] to send in 'scare' news, and they did not always understand the meaning of the information they sent even when the facts were correct, but on this occasion they were close to the mark. For James VI., even though Philip had decided to dispense with him, was still the central point of many Roman Catholic intrigues. The pages of Calderwood reveal the nervous dread felt by the ministers of the Papists in Scotland, but it is less easy to get a clear picture of the relations between the King and continental Catholicism. These may be regarded as the interaction of two distinct tendencies—Rome was still stretching out her hand to James VI., and certain Scots nobles were still seeking help from their fellow-believers in other lands. To the design of Philip II. both these tendencies were fraught with danger. He, as will be shown, did his best to make the first abortive; the second he succeeded in exploiting for his own advantage.

The French party at the Vatican, as already stated, was anxious for James's conversion, and early in 1587 we find Olivares hard at work persuading Cardinal Mondovi that James VI.[2] was a hopeless heretic, and urging the futility of sending an envoy to him in the person of William Chisholm, Bishop of Dunblane. Chisholm[3] had first became famous as the bearer of Mary's demand for a dispensation to enable her to marry Darnley, and after his mistress' downfall he had been offered a see in France (Vaison), which, however, he soon resigned. For twenty years he had lived as a Carthusian friar, but now at this crisis in his nation's history the old man had entered once more the political arena, thrown himself at the Pope's feet, and begged to be allowed to return and convert his sovereign. This at least is Froude's story, but other evidence states that he was sent by the authority and at the

[1] Thorpe, *Cal. Stat. Pap. Scot. Eliza.* vol. i. pp. 547 and 548. Ogilvy of Powrie and John Colville are correspondents of the type mentioned. Their letters err in assuming the unity of the Catholic forces. Thus Colville (p. 548, Thorpe) supposes the Bishop of Dunblane was sent by Spain. He was sent in spite of Spain.

[2] *Cal. Span. Pap. Eliza.* vol. iv. pp. 4, and 40, 51. Froude, *Elizabeth*, vol. v. p. 337, quotes another letter of Olivares which does not appear in the calendar.

[3] An account of Chisholm appears in Forbes-Leith's *Narratives of the Scottish Catholics*, but fuller information is given in *Papal Negociations with Queen Mary* [edited by the Rev. J. H. Pollen for the Scottish History Society.]

expense of Owen Lewis, Bishop of Cassano,[1] a stout opponent of Allen.[2] Plainly the mission was an effort of the anti-Spanish party, whose hopes had been excited by the news that James had restored their temporalities to Dunblane and Glasgow, and wished to continue the latter, Mary's old ambassador, as his representative at Paris.[3] By October the envoy was gone to Scotland, much to the disgust of Mendoza, who compared these Scottish bishops to mothers who, 'although they see their children do ill, continue to hope for their amendment.'[4] Soon, however, the ambassador has news which pleases him better—the bishop was persecuted on his arrival, and has little chance of an interview with the King.[5] Reports of March 30, 1588, from London represent Chisholm as conferring with Chancellor Maitland since he could not obtain speech with James himself, and as obtaining for his pains nothing but the statement that James was greatly afraid of Spain, and would never change his religion.[6]

None the less even Mendoza is compelled to admit that the audience has taken place,[7] and though he represents the bishop as arriving at Paris utterly disillusioned,[8] it must be remembered that this is only the Spanish side of the story. According to the other version[9] James was induced to promise—on conditions,—that he would admit the armada to his realm, and put himself into Philip's hands. On the whole it is likely that James tried to temporise, for besides the efforts Rome was making to reach him, he had to consider the attempts made by some of his nobles to get into touch with Spain.

The general line of Philip's policy was, as has been shown, to leave Scotland out of the question, and to carry on the enterprise

[1] *Cal. Span. Pap. Eliza.* vol. iv. p. 542.

[2] *Cal. Span. Pap. Eliza.* vol. iv. p. 212, and Knox, *op. cit.* Index *sub.* Lewis, Owen. Father Knox tries to prove personal esteem, but admits divergence of policy—very necessarily. See Knox, p. cvi.

[3] *Cal. Span. Pap. Eliza.* vol. iv. p. 84 and p. 100. Olivares recounts the great effect produced at Rome by these restorations. But before long Mendoza reports that James has really annexed their temporalities [p. 139 and p. 158].

[4] *Cal. Span. Pap. Eliza.* vol. iv. pp. 155-6.

[5] *Cal. Span. Pap. Eliza.* vol. iv. p. 180 and p. 194.

[6] *Cal. Span. Pap. Eliza.* vol. iv. p. 242.

[7] *Cal. Span. Pap. Eliza.* vol. iv. p. 255. In Thorpe's *Calendar of Scotland, Elizabeth,* vol. i. p. 547, Ogilvy of Powrie is made to announce the interview. But the letter is plainly put under a wrong date.

[8] *Cal. Span. Pap. Eliza.* vol. iv. p. 367.

[9] *Cal. Span. Pap. Eliza.* vol. iv. p. 542.

of England with as little noise as possible. It was therefore not through Spanish efforts, but by the agency of Guise that the Scottish nobles renewed relations with continental Catholicism. Philip, though he encouraged the Scottish conspiracy, regarded it as a mere piece of by-play. Naturally he did not enlighten the Scots nobles on this point, nor does he seem to have informed either Parma or Guise. The last-named, in fact, was furious at his gradual exclusion from his own design, and may have taken his revenge by giving James a hint to beware of trusting Spain too far.[1]

Guise never had approved of any scheme for deposing James, and in July, 1586, he came forward with an enterprise which he asked Mendoza to communicate to Philip.[2] Robert Bruce, a busy spy, whose manifold treacheries eventually ruined him,[3] had arrived with letters of credit for the Earls of Huntly and Morton and Lord Claude Hamilton,[4] and with demands of the usual kind,[5]—6000 paid troops for one year, 150,000 crowns to carry on the war, and further supplies of money for two years if necessary. In return the lords promised to make James a Catholic, and to put him at Philip's disposal, as well as to hold a few good ports near the borders. To show that their offer was *bona-fide*, they suggested that the money should not be paid over at once, but deposited within reach and used as necessary. Mendoza received the offer coolly enough, and demanded further information as to the kind of troops required, the nature of the financial arrangement, and so forth,[6] but in the meantime he sent Bruce on to Spain, where he pressed the scheme very hotly.[7] It was represented to Philip, that though there was need of haste, the plan was easy, cheap, and well guaranteed, for the lords were persons of reputation, and would be content to receive the money after the

[1] Guise's dissatisfaction appears plainly in *Cal. Span. Pap. Eliza.* vol. iv. p. 100 and p. 108, and it is clear that Spain feared he would divulge the plan to James. Martin Hume, in a note on p. 100, says that Guise eventually did so, but does not give any authority for his statement.

[2] *Cal. Span. Pap. Eliza.* vol. iii. pp. 589-90.

[3] For an account of Bruce, see Grave's Law, *Collected Essays and Reviews*, p. 313. See also *MSS. Scotland, Elizabeth*, vol. lxiv. No. 48 and vol. lxv. No. 88.

[4] *Cal. Span. Pap. Eliza.* vol. iii. pp. 580-1.

[5] *Cal. Span. Pap. Eliza.* vol. iii. p. 590.

[6] *Cal. Span. Pap. Eliza.* vol. iii. pp. 595-6.

[7] Bruce was in Madrid by Aug. 1586 [*Cal. Span. Pap. Eliza.* vol. iii. p. 597], and it seems likely that the 'Memorandum on Scottish Affairs,' published by Teulet, vol. v. p. 355, represents the case as put by Bruce himself.

fait accompli of converting the King. Philip, however, had heard fine promises before, and in any case the conversion of James was the last thing he wanted. Accordingly he replied to Guise, thanking him and the earls very warmly,[1] but explaining that he would have to consult Mendoza and Parma; as a matter of fact he wrote to Mendoza on the very same day,[2] saying that the lords were probably too sanguine, and bidding him ask Parma whether 4000 men if sent to Scotland would be sufficient to make a real diversion.

Mendoza, on receiving his master's instructions, wrote to Parma, warmly commending the scheme, but suggesting the necessity of making further enquiries as to the position of the King of Scots in regard to the affair.[3] It is significant of Philip's method that Parma was not told what was the ultimate object of all these conspiracies,[4] that Guise was given in the meantime no information,[5] and that, though Bruce, the official pivot of the plot, did not arrive in Paris till the beginning of November,[6] Mendoza had had Philip's views a fortnight before, and had been able to get a long start in the negotiation with Parma. But the prince did not receive the letter till six weeks later, and when he did reply it was to counsel delay, so that before anything was done Bruce had urgent letters from his employers demanding a speedy decision. Mendoza could reply only in the vaguest terms,[7] and towards the end of December, 1586, we find him sending on to Philip Parma's unfavourable epistle, but urging for his own part immediate action; he had now got all possible details, he said, and had no further excuse for delay.[8] The beginning of 1587, however, finds Philip still marking time, though content to make a

[1] *Cal. Span. Pap. Eliza.* vol. iii. p. 631.

[2] *Cal. Span. Pap. Eliza.* vol. iii. p. 630. Philip plainly regarded the whole thing as a diversion. He speaks of 'the 4000 men they request.' They asked for 6000. It seems likely that Philip's other vast designs left him little attention for this aspect of the 'enterprise.'

[3] *Cal. Span. Pap. Eliza.* vol. iii. p. 635. Oct. 15, 1586.

[4] *Cal. Span. Pap. Eliza.* vol. iii. p. 665. Parma's reply to Mendoza's letter, Nov. 27, 1586, makes it quite plain that he did not yet know 'the designs which His Majesty has in his royal breast'; he is uncertain whether the real blow is to be struck at England. Cf. p. 683.

[5] *Cal. Span. Pap. Eliza.* vol. iii. p. 639.

[6] Bruce arrived on Nov. 2, 1586 [*Cal. Span. Pap Eliza.* vol. iii. p. 648]. Obviously Mendoza had Philip's instructions before he wrote to Parma on Oct. 15.

[7] *Cal. Span. Pap. Eliza.* vol. iii. pp. 667-8. Nov. 28, 1586.

[8] *Cal. Span. Pap. Eliza.* vol. iii. pp. 681-688. Dec. 24, 1586.

nominal acceptance of the lords' offer if there is no other way of keeping them in hand.[1] So Spain played with the anxieties of the Scottish conspirators, until the leaden foot was stirred to motion by the news of Mary's death. The Most Catholic King now wrote promising money as soon as James was liberated, and advising the earls to hasten his conversion,[2] but,—what is more important,—Parma had meanwhile become convinced of the practicability of the scheme, and in his capable hands the affair at once took on an air of reality.[3] The only question was how to get the troops across the water, and he and Bruce hit upon a rather neat device.[4] Bruce was to hasten to Scotland, and there freight thirty ships for the Baltic; they were to load wheat at Danzig in the usual way, but were to return to Scotland *via* Dunkirk, where they could drop their cargoes, and take the soldiers instead. One incidental advantage of the scheme was that it would enable the Prince to feed his army, whose supplies were short, and indeed the whole prospect seemed bright. Bruce was despatched with 10,000 crowns, and instructions to act with all possible speed, while Guise[5] was tardily given a partial knowledge of the facts; and Philip, who meditated the disinheriting of James, sent him a friendly message, which was transmitted to Bruce by Beaton.[6]

So the plan seemed to prosper. Crichton,[7] who arrived at Rome with all the details, was induced to hold his tongue, and led to believe that the object of the whole thing was to benefit James, but throughout the summer no word came from the arch-plotter Bruce. He had been delayed in Brittany,[8] and when he eventually

[1] *Cal. Span. Pap. Eliza.* vol. iv. p. 10. Jan. 28, 1587.

[2] *Cal. Span. Pap. Eliza.* vol. iv. pp. 57-8. March 31, 1587.

[3] *Cal. Span. Pap. Eliza.* vol. iv. p. 28. It is significant that what changed Parma's point of view was the 'minute information' furnished by Bruce; it is when he takes up the matter that essential details such as dates are first seriously considered.

[4] *Cal. Span. Pap. Eliza.* vol. iv. p. 68. Parma, it will be observed, invented this scheme himself. Philip's idea was to send money, but the Prince, though he heard his master's views in April [*Cal. Span. Pap. Eliza.* vol. iv. p. 76], preferred to keep to his own design.

[5] *Cal. Span. Pap. Eliza.* vol. iv. p. 78, p. 89, and p. 108.

[6] *Cal. Span. Pap. Eliza.* vol. iv. p. 57, p. 79, p. 90, and p. 107.

[7] *Cal. Span. Pap. Eliza.* vol. iv. p. 122.

[8] *Cal. Span. Pap. Eliza.* vol. iv. Bruce's long silence caused general anxiety. See pp. 98, 100, 120, 134, 156. He wrote on Oct. 2 (p. 144) a very full account of all that happened, but it appears from Mendoza's letter to Philip (Oct. 27) that Bruce had sent in September two letters reporting progress (p. 159). For exaggerated reports of his embassy see *Stat. Pap. Scot. Eliza.* xlii. 71, and 95.

arrived at Lochryan he found Morton gone, and the season so far advanced that the scheme was useless, for the Baltic would be frozen before his ships were ready to sail with their wheat. He reported that he had seen the King on three occasions, and had found him prepared to negotiate with Philip ; convinced, however, that James was a Protestant at heart, he had confined himself to generalities, and refrained from mentioning the design of the wheat ships. This design was, of course, abandoned by Parma, and Bruce remained in Scotland with his 10,000 crowns.

Such was the situation in 1588, when the execution of the great enterprise against England relegated to the back-ground the affairs of Scotland, although the advent of the Armada was of as great moment to the northern Kingdom as to the southern. The year of long-predicted wonders[1] had arrived, and it found Scotland as troubled as ever before. It found the King 'occupied in commenting of the Apocalypse, and in setting out of sermontes thairupon against the Papists and Spainyarts ; and yit by a piece of grait oversight the Papists practeised never mair bisselie in this land, and maid graitter preparation for receiving the Spainyarts nor that year.'[2] So runs James Melville's *Diary*, and goes on to describe the constant alarms of the Armada's landing, the constant fasting and prayers by which the ministers sought to avert the danger.[3] James, in fact, was ostensibly in good relations with Elizabeth, and he seems to have told Robert Cary about some of the offers made to him from abroad ;[4] but England was far from sure of him, and Lord Hunsdon described him as of doubtful disposition and evil companionship.[5]

Bruce was still active, and, along with his party, concocted a plot for capturing James about the middle of February. Huntly, Crawford, Montrose, and others met at Dunfermline, where Huntly had a house, and the Hamiltons gathered their friends at Linlithgow.[6] This scheme came to naught, but Bruce was still hopeful of achieving his end under cover of a cry for reform of the administration,[7] and during the month of February James

[1] Calderwood, vol. iv. pp. 648-9 ; James Melville's *Diary*, p. 264.

[2] James Melville's *Diary*, p. 260.

[3] James Melville's *Diary*, p. 261. Cf. Calderwood, vol. iv. p. 647, p. 650.

[4] Bruce, *Letters of Elizabeth and James VI.* p. 47.

[5] *Ibid.* p. 49 n. (quoting Murdin, p. 591).

[6] For Bruce's activity, see *Cal. Span. Pap. Eliza.* vol. iv. pp. 204, 210. The account of the kidnapping plot is in the same calendar, p. 227.

[7] *Cal. Span. Pap. Eliza.* vol. iv. p. 224.

seems to have had a very friendly interview with Father James Gordon, although he showed no signs of changing his religion.[1] Before long too the Roman Catholic party received fresh help from Spain, but this reinforcement, to the disappointment of the lords, came not in the shape of troops, but merely in the person of two Scotsmen.[2] The Earl of Morton, who had left Scotland to seek Philip, was sent back with 5000 crowns, and with him came Col. Semple, a stout soldier of fortune, with a commission from Parma to the King. At first the Prince had intended to give him a definite message, but Mendoza, who wanted to keep clear of bargains with James, persuaded him that such a course would only reawaken English suspicions to no purpose. In the end all Semple got was a vague letter of credence with instructions to use it or not according to the advice of the Scots nobles.

In the middle of April[3] the two set sail quietly from Gravelines, on the errand of making trouble in Scotland.[4] The Colonel on arrival did actually see the King, 'and got the usual answer from him.' Morton,[5] however, contrary to Semple's advice to concentrate in the North, made a premature rising in his own district of Galloway; and James, considering the excitement of the country and the small prospect of Spanish assistance, was compelled to act vigorously. The Earl was captured on the 5th of June, and a few days later Lochmaben was taken and its captain hanged—much to the delight of Elizabeth. Notwithstanding all this, the Catholics remained very hopeful until August,[6] but James, the moment the

[1] *Cal. Span. Pap. Eliza.* vol. iv. p. 260.

[2] The movements of these two Scots can be traced in *Cal. Span. Pap. Eliza.* vol. iv. P. 171 shows us Morton equipped with 5000 crowns. Semple's journey to Parma, *via* Paris, appears from pp. 171, 174, 179, and 231. The Colonel, whom Philip describes as 'a zealous man, though, doubtless, a thorough Scot,' had arrived in Paris by Dec. 6th, 1587, and was sent by Mendoza to Parma, who gave him a letter of credit of date 27th Feb. 1588, and sent him back to Paris with a missive to Mendoza (p. 201), in which he proposed to entrust his envoy with a message to James inviting him to avenge the death of his mother. Mendoza (p. 231) regarded James as hopeless, and Philip (p. 254) was glad that he should confine himself to generalities. In the end he was instructed to see what the Scots nobles thought on the point (p. 241).

[3] *Cal. Span. Pap. Eliza.* vol. iv. pp. 241, 277, 297. *Graves Law* (*Collected Essays*, p. 325) states that Semple landed in August, but this is incorrect.

[4] *Cal. Span. Pap. Eliza.* vol. iv. p. 231, gives details of Morton's intention of stirring up strife. Parma thought that Semple might give exact information on the situation (p. 201).

[5] *Cal. Span. Pap. Eliza.* vol. iv. p. 351. Calderwood, vol. iv. p. 678.

[6] *Cal. Span. Pap. Eliza.* vol. iv. p. 361.

Armada appeared in sight, put himself unreservedly into the English camp.[1] He wrote to Elizabeth offering his help upon her own terms, and her agent Ashby, alarmed at Parma's intelligence within the country, made the Scottish King some fine promises which were never fulfilled,[2] although money was soon sent. But by this time the crisis was passed; the Armada had come and gone, sorely mishandled by the weather and the English guns, and when James said it had never come 'within a kenning of Scotland,'[3] he was, in the main, telling the truth.

For a while the Spaniards fondly imagined that the great fleet had found some Scottish port,[4] Newcastle, perhaps, or the Moray Firth, and one sanguine report described it as increased to 300 sail, by the capture of a great fishing fleet near the Orkneys. These hopes were short-lived. Early in September Mendoza wrote to say that a St. Andrews ship had seen the Armada far north,[5] between the Orkneys and Shetlands, and advices direct from Scotland mentioned only one little and doubtful point of contact. Colonel Semple had left the Firth of Forth to speak with a Spanish pinnace, and on his return had been arrested.[5]

At first Huntly's authority was sufficient to secure his release, but ere long he was captured again and warded in Robert Gourlay's house,[6] whence he speedily escaped. Forbes-Leith[7] tells us a romantic story of the valiant Colonel's escape, in which the usual pies and rope-ladder play a conspicuous part. According to his account, Semple, a stout man, descended from the seventh storey on a slim rope, and escaped the guard round the house—400 men—by acting the drunkard, and falling into a muddy pool. Thus did he save himself from instant death. The narrative is a fairy tale; the only true thing is the figure 400. It was precisely 400 crowns which were paid to bribe Semple out of prison.

The fact is that the story of Semple is an excellent instance of James' duplicity. Philip was playing a double game, but he had his match in the Scottish King. The Colonel arrived, spoke with

[1] Bruce, *Letters of Elizabeth and James VI.* p. 51; Calderwood, vol. iv. p. 682.

[2] *MSS. Scotland, Elizabeth:* vol. xlii., Nos. 108, 110.

[3] Bruce, *Letters of Elizabeth and James VI.* p. 55.

[4] *Cal. Span. Pap. Eliza.* vol. iv. pp. 410, 411, 415, 434.

[5] *Cal. Span. Pap. Eliza.* vol. iv. p. 405 and p. 425.

[6] Calderwood, vol. iv. p. 681.

[7] *Narratives of Scottish Catholics*, pp. 368-9.

the King, and remained in the country quiet and unharmed[1]—until the Armada had passed. Then James arrested him as a proof of his Protestant zeal, but allowed him to be bought out of prison,[2] possibly because he felt that a strict examination would not throw a favourable light upon the royal honesty. The King published abroad his story that Semple had 'repairit laitlie within this realme allegeand him to have commissioun to the Kingis Majestie albeit he had na sic commissioun or instrumentis,' and he accused the Colonel of treasonably dealing with his subjects.[3] Semple, however, certainly had a commission—it exists to-day among the Balcarres MSS. in the Advocates' Library.[4]

Such was the brilliant result of all the plottings. The Roman Catholics were slow to accept the verdict, and clamoured for fresh assistance,which appeared in the shape of 10,000 crowns delivered by John Chisholm to Bruce in Huntly's house at Dunfermline.[5] Even Mendoza was of opinion that Parma might still send troops to Scotland with great advantage,[6] but the doom of the Catholic hopes was written in a marginal note on one of Philip's letters to

[1] *Cal. Span. Pap. Eliza.* vol. iv. Before July Semple had spoken with the King, and got the 'usual answer,' p. 351; on the 31st of July he and Bruce wrote to Parma an account of the situation.

[2] *Cal. Span. Pap. Eliza.* vol. iv. p. 429, and Calderwood, vol. v. p. 24, where Bruce accounts to Parma for the sum of 400 crowns.

[3] *Reg. Privy. Coun.* vol. iv. p. 316.

[4] *Balcarres MSS.* vol. vi. No. 5. In a foreign clerk's hand, but signed 'Alexandres.' The letter was a mere letter of credit to 'Guillaume Simpel present porteur,' but asked for 'benigne audience foy, et credence . . . en ce qu'il luy declairera plus amplement,' and referred the King to a verbal commission. As Semple saw the King, James must have known of the letter, one imagines. It is, however, possible that Semple, acting on his instructions, was vague in his statements.

George Conn, *De Duplici Statu Religionis apud Scotos*, p. 145, supposes that Semple had a commission from Philip. 'Hic a Philippo Hispaniarum Rege (qui celebrem illam classem qua maiorem oceanus nunquam viderat contra Angliam tum parabat) ad Iacobum secretiora quaedam negotia pertracturus missus.'

An interesting but very lame defence of James' action is found in Father Crichton's *Apologie* (1598).

[5] Calderwood, vol. v. p. 20. It is difficult to date the arrival of this money. Bruce acknowledges it on Jan. 24th, 1589, but Chisholm had arrived in Scotland before Aug. 5th, 1588 (*Cal. Span. Pap. Eliza.* vol. iv. p. 361). As Bruce wrote several times to Parma without mentioning the money, in the autumn of 1588, it seems likely that Chisholm had gone back to the Continent, and returned later in the year with a fresh supply of cash.

[6] *Cal. Span. Pap. Eliza.* vol. iv. pp. 476-7. The correspondence between Bruce and Parma was maintained all autumn. Bruce and the Lords still thought the chance good (pp. 426, 479).

his ambassador. 'I will have the Scottish matter you mention well considered,' he said in the body of his letter.[1] But the note is as follows: 'I do not remember to what this refers. Tell me.'

The Spanish Armada[2] then has left in Scotland few tangible traces of its passing, and on the national history its effects seem equally small. The Catholic lords remained Catholic, and continued to bargain with Spain and with Rome; the King still played a double game, and shared to some extent in his subjects' conspiracies. Throughout the rest of James' reign in Scotland, there was a restless undercurrent of plots fomented by Papal emissaries and by Spanish gold. But the great 'Enterprise' had at least this result—it made the King of Scots all the more resolute in his determination not to rely on Spain.

The product of a strange medley of actions and motives, of courage and distrust, of piety and knavery, of the lowest of lies and the highest of ideals, the Armada failed in its purpose. So far from recovering Great Britain for Catholicism, it had left her more Protestant than ever. Yet even in his downfall Philip commands our admiration, even as his poor storm-stricken soldiers attract our pity. His courage was undismayed, his faith was unshaken, and from the depths of his defeat, he rose with dogged resolution, prepared to try again.

J. D. Mackie.

[1] *Cal. Span. Pap. Eliza*, vol. iv. p. 499 n.

[2] A very able resumé of the situation was drawn up by the Master of Gray in 1590. [*Papers Relating to Patrick, Master of Gray*, Bannatyne Club, 1835.]

The Boundary Stone and the Market Cross[1]

I

A SURVEY of the known facts regarding the social feelings of uncivilised man leads to the conclusion that he regards the stranger, if not with open hate, at least with fear and suspicion as one belonging to strange gods, and bringing with him strange supernatural influences.[2] Thus, among the Indians of North America, it is a common notion that strangers, particularly white strangers, are oftentimes accompanied by evil spirits, which create and delight in mischief;[3] and the Bakaïri, and some of the tribes of Australia, believe that evil, sickness, and death come from the sorceries of strangers beyond their borders.[4] This belief that the stranger is dangerous involves the view that his country, too, is full of danger. Frazer[5] suggests that the fire borne at the head of an army in ancient Greece, and among the Ovambo of South West Africa, 'may have been intended to dissipate the evil influences, whether magical or spiritual, with which the air of the enemy's country might be expected to teem'; and we know, to take one of the many instances which bear upon this notion, that

[1] It is not our purpose in the following pages to discuss the connection of the so-called market crosses of Scotland with the perrons of Belgium—a subject which two recent writers have made peculiarly their own: W. G. Black, *Glasgow Market Cross, with a Suggestion as to the Origin of Scottish Market Crosses*, Glasgow and Edinburgh, 1913; Count Goblet d'Alviella, *Les Perrons de la Wallonie et les Market-Crosses de l'Écosse*, Bruxelles, 1914.

[2] T. B. Jevons, *An Introduction to the History of Religion*, 2nd ed. London, 1902, p. 71; J. G. Frazer, *The Golden Bough*, 3rd ed. Pt. ii.: *Taboo and the Perils of the Soul*, London, 1911, p. 102; A. Van Gennep, *Les Rites de Passage*, Paris, 1909, pp. 36 ff.

[3] R. J. Dodge, *Our Wild Indians*, Hertford, Conn., 1886, p. 119.

[4] K. von den Steinen, *Unter d. Naturvölkern Zentral-Brasiliens*, Berlin, 1894, pp. 232-3; B. Spencer and F. J. Gillen, *The Northern Tribes of Central Australia*, London, 1904, pp. 31 ff.

[5] *The Golden Bough*, 3rd ed. Pt. i.: *The Magic Art and the Evolution of Kings*, London, 1911, ii. p. 264; Pt. ii. *Taboo and the Perils of the Soul*, p. 111.

the New Zealanders, on going to a strange land, performed certain ceremonies 'to make it *noa*, lest, perchance, it might previously have been *tapu*.'[6]

If, then, the stranger and his land are so fraught with peril, it need not be matter of surprise that the boundary land is regarded with feelings of awe and dread—feelings which are intensified by the nature of the boundaries themselves. These are defined by the forest or the mountain, by river, lake, or watershed, by the swamp, or by a great tree or a conspicuous stone;[7] and as each of these objects has its indwelling spirit, the border is regarded as the abiding place of supernatural powers.

Even at a very early period artificial land-marks were recognised. Thus, Caesar[8] says of the German tribes: 'Civitatibus maxima laus est quam latissime circum se vastatis finibus solitudines habere. Hoc proprium virtutis existimant, expulsos agris finitimos cedere neque quemquam prope audere consistere; simul hoc se fore tutiores arbitrantur, repentinae incursionis timore sublato.' The Mangwangwara kings deliberately surrounded their country 'with an enormous starvation area, by ruthlessly destroying villages and whole races around them';[9] and the Kissandschi country is separated from its neighbours by an uninhabited solitude of several days' journey.[10] Sometimes the boundaries were marked by heaps of stones. Such stones were regarded as sacred in Babylonia, whose kings are said to have 'taxed their powers of cursing in order to terrify men from removing their neighbours' landmarks;'[11] the old German records bear witness to the barbarity of the punishments meted out to those who wilfully destroyed or uprooted boundary stones; and an ordinance of

[6] E. Shortland, *Traditions and Superstitions of the New Zealanders*, London, 1854, p. 83.

[7] W. N. Dall, *Alaska and its Resources*, Boston, 1870, p. 114; C. F. Ph. von Martius, *Von dem Rechtszustande unter den Ureinwohnern Brasiliens*, München, 1832, p. 35; J. G. F. Riedel, *De Sluik- en kroesharige Rassen tusschen Selebes en Papua*, 's-Gravenhage, 1886, p. 408 *et passim*; J. Grimm, *Deutsche-Grenzalterthümer*, *Kleinere Schriften*, Berlin, 1865, ii. pp. 38 ff.; J. M. Kemble, *The Saxons in England*, new ed., London, 1876, i. pp. 52-3.

[8] *De Bell. Gall.* vi. 23; cp. iv. 3.

[9] W. J. Ansorge, *Under the African Sun*, London, 1899, p. 42.

[10] L. Magyar, *Reisen in Sud-Afrika* . . ., aus d. Ungarischen von J. Hunfalvy, Pest u. Leipzig, 1859, i. p. 73.

[11] C. H. W. Johns, *Babylonian and Assyrian Laws, Contracts, and Letters*, Edinburgh, 1904, p. 191.

Numa provided that 'qui terminum exarasset et ipsum et boves sacros esse.'[12]

Among the Abors, the boundaries of each man's clearing are marked by upright stones;[13] and in ancient Egypt stelae served a similar purpose.[14] Grimm[15] refers to the old Norse *Vardi*, which means primarily 'a heap of stones,' and secondarily 'a boundary'; and Liebrecht[16] informs us that there are, on the borders of Spanish Galicia, great heaps of stones, to which a native, who leaves the district in search of work, adds a stone on his departure or on his return. These heaps recall to us a custom, prevalent in ancient Greece, of honouring Hermes, the god of ways and boundaries, by piling up, beside his symbol, which was an upright stone, a cairn of stones called Ἑρμαιος λόφος. At this, stones were thrown according to one authority, while another states that the passer-by added a stone to the heap.[17] It has been conjectured that the 'plurima simulacra' of the Gaulish Mercury may have been boundary stones like the emblems of Hermes and of the Roman Terminus; and this view finds support in the menhir of Kerradel, upon which is sculptured an image of Mercury dating from Gallo-Roman times, and in the discovery beneath a similar megalith near Peronne of a bronze statuette of the same god.[17a] These upright stones, in their turn remind us of the 'stones of worship' which were objects of devotion in many parts of pagan Ireland, and which served as boundary-stones and as memorials of the dead.[18] Thus, in one of the law-tracts we are told that when certain tribal chieftains had taken possession of a district 'they erected boundaries and pillar-stones there.'[19] Ammianus Marcellinus[20] speaks of a locality 'ubi

[12] J. Grimm, *Deutsche Grenzalterthümer*, pp. 59-60.

[13] E. T. Dalton, *Descriptive Ethnology of Bengal*, Calcutta, 1872, p. 26.

[14] Maspero, *The Dawn of Civilisation in Egypt and Chaldæa*, transl. M'Clure, 3rd ed. London, 1897, p. 329.

[15] *Op. cit.* p. 45. [16] *Zur Volkskunde*, Heilbronn, 1879, p. 279.

[17] L. R. Farnell, *The Cult of the Greek States*, Oxford, 1909, v. p. 7 and note 32, on the authority of Cornutus and the Scholiast on *Odyssey*, xvi. 471.

[17a] J. A. MacCulloch, *The Religion of the Ancient Celts*, Edinburgh, 1911, p. 285; *Id.* art. 'Celts' in *The Encyclopædia of Religion and Ethics*, ed. by J. Hastings. It is to be observed that Rhys (*Lectures on . . . Celtic Heathendom* (*The Hibbert Lectures*, 1886), London, 1888, pp. 238, 283-287) regards Woden as the counterpart of the Gaulish Mercury.

[18] P. W. Joyce, *A Social History of Ancient Ireland*, London, 1903, i. pp. 174 ff.; ii. pp. 155, 206.

[19] Joyce, *op. cit.* ii. p. 206. [20] xviii. 2. 5.

terminales lapides Alammanorum et Burgundorum confinia distinguebant' ; and, in Hawaii, a stone image or a line of stones, somewhat detached from one another, sometimes serves to separate the different districts or larger divisions.[21] In a passage which is of special significance in the present connection, Joseph Thomson,[22] the well-known African traveller, observes that 'whenever anything strange and unusual is seen by the native, he at once detects a ghost or a demon in it, with power to kill or smite with disease, but which can be appeased with some offering or other. Usually this occurs at the boundary of two districts, or where some dangerous tract of country commences. The common custom then is to throw down on a heap of stones a rag, stick, or some grass ; and so thoroughly do they believe in this practice that no one presumes to pass without such a tribute.' Frazer,[23] while admitting that it is difficult if not impossible to explain all the different instances of the practice on one principle, makes merry at the notion of worshipping a god by throwing stones at him, and opines that the idea, to which the usage gives effect, is, in many cases, at all events, 'the transference of evil from man to a material substance, which he can cast from him like an outworn garment.' In his admirable work, *The Legend of Perseus*,[24] Mr. Sidney Hartland suggests that this, and a variety of similar customs, are to be explained as applications of a mode of reasoning very familiar to uncivilised man. The latter regards as part of himself not only his blood and saliva, his hair-clippings and nail-parings, and the like, but earth from his footprints, the remnants of his food, his name, his portrait, his clothes, his ornaments, his weapons, and his implements ; and, in his view, these things do not cease to be parts of him, even when they are detached from him. Accordingly, the sorcerer, if he gain possession of some article of raiment, can work the destruction of its owner ; and the gipsy by dropping the warm blood of her left foot into the shoes or stockings of her lover, can bind his footsteps day and night to herself. The same reasoning underlies such customs as hanging rags on sacred trees or casting coins or pins into a sacred well or waterfall,

[21] W. Ellis, *Narrative of a Tour through Hawaii or Owhyee*, 1826, p. 324. Each of these divisions was at one time the domain of an independent chief (*Id. Polynesian Researches*, 2nd ed. 1832, iv. p. 148).

[22] *To the Central African Lakes and Back*, London, 1881, i. p. 228.

[23] *The Golden Bough*, 3rd ed. Pt. vi. : *The Scapegoat*, London, 1913, pp. 23, 30.

[24] London, 1895, ii. pp. 52, 55-116, 128, 214-15.

or driving nails into a sacred tree; and, by adding a stone to a sacred cairn, the wayfarer brings himself into a permanent spiritual union with the demon who inhabits it or the ghost of the dead man who lies under it.[25]

There seems, then, to be no good reason for doubting that the boundary, whether it was defined by the natural features of the country, or marked by artificial wastes, or pillars or piles of stones, was regarded as a domain subject to supernatural powers; and this view is supported by the mention of an offender, who was taken to the borders to be put to death, perhaps as a sacrifice to the divinities of the march.[26]

There were, besides, at all events at certain times, human inhabitants of the border whom it was desirable to placate; and it was by an application to life of the principle of reasoning of which we have spoken above that this desire was realised. The savage, driven by his 'needs and greeds,' wishes to obtain what the stranger—his enemy—possesses. If he resort to violence, he may bring disaster on his own head; and so he proceeds by opening a trade, or, rather perhaps, by offering an exchange of gifts. He, by giving some article, which is, as we have seen, a part of himself, and the stranger, by accepting his gift and giving something in return, create or enter into a spiritual union, which is of such a sort that its breach brings evil, or sickness, or death upon the breaker, and which thus secures the parties to the transaction from the perils of robbery and violence, so long, at least, as the trading lasts. In other words, this union establishes a temporary peace during the continuance of a trade on the border.[27]

[25] Liebrecht, *op. cit.* pp. 267 ff., cites from India, Africa, and many parts of Europe, instances of the practice of throwing sticks, stones, and other articles on the cairn, which marks a grave. We shall content ourselves with noting an expression of gratitude for a service done in use in the Highlands of Scotland, 'I will add a stone to your cairn' (Forbes Leslie, *The Early Races of Scotland and their Monuments*, Edinburgh, 1866, ii. p. 323); and the statement of O'Curry (*On the Manners and Customs of the Ancient Irish*, London, 1873, i. p. cccxxxix, cp. p. cccxx) that he remembered as a living custom the usage of putting a stone on a dead man's grave. Of course, when the dead man was an evildoer, the object may have been to prevent his malevolent spirit from returning and working mischief.

[26] Kemble, *op. cit.* i. p. 47, note 3.

[27] P. J. Hamilton-Grierson, *The Silent Trade*, 1903, pp. 64 ff., and the same writer's art. 'Gifts (Primitive and Savage),' in *The Encyclopedia of Religion and Ethics*, ed. by J. Hastings.

II.

The border is, then, at once both sacred and neutral; and, in these temporary border truces, we trace the beginnings of the border market. This institution is to be found in many lands. In British New Guinea, 'women from different villages or districts meet at appointed places, usually at the boundary between two tribes, and there barter their specialties for commodities from other localities.'[28] On the boundary of the Baluba, fairs are held at which the members of hostile tribes transact their business without danger,[29] and the northern kings used to meet on the borders of their dominions to arrange disputes—meetings which were made the occasion of trading.[30] In Italy, one of the most important fairs was held on the boundary which separated the Etruscan from the Sabine lands;[31] and, in Greece, numerous markets were held on the boundaries, under the protection of *θεοὶ ἀγοραῖοι*.[32] The merchants who followed the Roman legions engaged in a provision trade with German tribes at different points upon the frontier;[33] and we read of fairs on the borders of Arabia, Nubia, and the Frankish empire.[34] A border fair in ancient Ireland presents characteristics which are of special interest, as bearing closely on the subject of these pages. In the earliest times of which we have any record, the provinces into which Ireland was divided met at a point on the hill of Usnech (in the present county of Westmeath), marked by a great stone, called 'the stone of Destiny,' which stands there a conspicuous object still.[35] It was there that an *aenach* or fair took place—an assemblage of which apparently the main object was the celebration of a religious festival, accompanied with games and with buying and selling.[36] Most of such meetings had their origin in funeral

[28] A. C. Haddon, *Head-Hunters, Black White and Brown*, London, 1901, p. 269.

[29] H. von Wissmann, *My Second Journey through Equatorial Africa*... London, 1891, p. 125.

[30] K. Lehmann, *Kauffriede und Friedsschild; Germanische Abhandlungen zum LXX Geburtstag Konrad von Maurer's*, Göttingen, 1893, pp. 50-51.

[31] Th. Mommsen, *History of Rome*, transl. by Dickson, London, 1867, i. p. 203.

[32] O. Schrader, *Linguistisch-historische Forschungen zur Handelsgeschichte u. Waarenkunde*, Jena, 1886, p. 35.

[33] K. Rathgen, *Die Enstehung d. Märkte in Deutschland*, Darmstadt, 1881, pp. 3-4.

[34] P. Huvelin, *Essai historique sur le droit des Marchés et Foires*, Paris, 1897, pp. 59, 60, 205.

[35] Joyce, *op. cit.* i. pp. 37-8.

[36] *Id. ib.* ii. 438,440.

games; and at Usnech there was an extensive cemetery at or near the place of the fair.[37]

III.

Here, then, we have on the same hill a boundary stone, a fair, and a cemetery—a combination of characteristics which at once recalls Hermes-Mercurius, whose symbol was an upright stone, the god of ways and boundaries, the conductor of the dead, and the protector of merchants. In his well-known work, *The Origin of Civilisation*,[38] Lord Avebury suggests that Hermes was conductor of the dead, because, even in very early days, upright stones were used as tombstones, and protector of merchants, because commerce was carried on principally at the frontier; and, in view of these suggestions, Huvelin[39] asks the question, Does not the statue of Hermes, which stood in the markets at cross-roads and on the boundaries, remind us of the statues and crosses of the Middle Ages, which occupied similar positions? Have we not here one and the same symbol under different names?

In his *Travels in Northern Greece*,[40] Leake tells us of his discovery of an image of Hermes at the village of Hadjilár in Thessaly. 'A stone in the wall of the church, upon which a Hermes on a pedestal represented in relief is inscribed with the words ΕΡΜΑΟ ΧΘΟΝΙΟΥ,[41] in very neat characters well preserved.' This stone, with others, had, it seems, been removed from an ancient cemetery at a place in the neighbourhood called Paleá Lárissa; and, according to Leake's statement, its removal was due to a fear that the Turks, who were by no means friendly to Greek monuments, might break it up. It is possible, however, that it found its way to this resting-place, owing to a curious practice of attaching to, or

[37] *Id. ib.*, ii. p. 434.

[38] 6th ed. London, 1902, pp. 318-19; cp. H. S. Maine, *Village Communities* ... New ed. London, 1890, pp. 192-3.

[39] *Op. cit.* p. 342 note.

[40] London, 1835, iii. pp. 363, 365-6, fig. 150. Leake also found at Saloníke, in Macedonia, an inscription 'containing the names of those who contended for the prize in a certain funeral contest, in which there were trials in the pancratium and in wrestling by boys, by young men, and by adults'; and this inscription bore a figure, twice repeated, somewhat similar to that on the stone at Hadjilár (*op. cit.* iii. p. 248).

[41] The epithet χθόνιος is not infrequently applied to Hermes as conductor of the dead; and we have it on Cicero's authority (*De Legibus*, ii. 26, quoted by Liebrecht, *op. cit.* p. 271) that it was customary in ancient Greece to place his image upon tombs: 'neque id (*i.e.* sepulchrum) opere tectoris, nec Hermas nos quos vocant licebat imponi.'

building into, the walls of Christian churches the images of heathen gods. Thus, Grimm[42] quotes Walafrid Strabo's *Life of St. Gallus* to the effect that when, in the year 612, the saint and his companion Columban disembarked among the Alamanns, settled on the shores of Lake Constance, they passed to an oratory built in honour of St. Aurelia, and there 'repererunt autem in templo tres imagines aereas deauratas parieti affixas, quas populus, dimisso altaris sacr cultu, adorabat, et oblatis sacrificiis dicere consuevit; isti sunt dii veteres et antiqui hujus loci tutores.' Grimm makes the suggestion that possibly these heathen images had been let into the wall to conciliate the people who were still attached to them, and he cites other instances of the practice. The representation of the god at Hadjilâr is in form a column standing upon a base with steps. At the top of the column two short arms project, shaped like the arms of a cross; and above these arms there is a rounded top, which completes the cross-like appearance.[43]

IV.

This representation of Hermes is figured not only in Leake's volume, but in Count Goblet d'Alviella's well-known work, *The Migration of Symbols*;[44] and, on seeing it there, the present writer was struck by the resemblance, previously unnoted, which it bears to the simpler forms of the Belgian *perrons*.[45]

[42] *Teutonic Mythology*, transl. J. S. Stallybrass, London, 1880, i. p. 108.

[43] If we understand Leake's statement aright, the arms are not later additions to, but are parts of the original figure. If that be so, we cannot explain their presence by holding that they are the work of some Christian sculptor, who desired to adapt the figure to the new Faith. In Ireland, pillar-stones were consecrated to Christianity by engraving upon them the sign of the cross (W. G. Wood-Martin, *Pagan Ireland*, London, 1895, i. p. 141). See also Forbes Leslie, *op. cit.* i. p. 224; ii. p. 373. In his work entitled *The Migration of Symbols* (Westminster, 1894, p. 190) Count Goblet d'Alviella observes that the Hermes of Hadjilâr betrays the influence of the Tree of Life or *crux ansata*. In his courteous reply to the inquiry of the writer of these pages whether the remarkable resemblance between this Hermes and the Belgian *perron* as divested of its later accretions (see below), was or was not a mere coincidence, the learned author expressed the view that it was to be referred to the simpler forms of the cross by which the Church on her entrance into heathendom replaced the old megaliths which had been destroyed or abandoned (see *Les Perrons*, *supra cit.* pp. 43-4). At the same time, he pointed out that there is another possible explanation. The representation of the god may, he says, have been originally a boundary stone,—a Hermes,—which its votaries, in later days, sought to invest with the appearance of a living body, by adding two extended arms and a ball or ring on the top (cp. E. B. Tylor, *Primitive Culture*, 4th ed. London, 1903, ii. 168).

[44] See note 43.

[45] These are figured in *Les Perrons*, *supra cit.*

Of these the most celebrated still stands above a fountain, on the market-place of Liège. It consists of a white marble column placed on a square base with five steps, guarded by four lions; and the capital is surmounted by the Three Graces, who support a crown encircling a fir-cone with a small cross on its point. D'Alviella is of opinion that this *perron* may be resolved into five elements attributable to as many periods. In his view, the origin of the column is to be found in German paganism; the fir-cone and the cross are to be referred to Gallo-Roman and Christian influences respectively; the lions and the crown belong to the feudal period; and the Graces are a product of the art of the seventeenth century.[46] In his latest work,[47] he points to a sixth element—the base—which he regards as oldest of all, and as closely related to those 'stones of justice' which, in the Middle Ages, marked the spot where the law was administered. M. Ch. Piot, general archivist of Belgium, has proved that persons were sworn on the perron ;[48] and d'Alviella cites a northern saga which shows that the Scandinavians swore 'by the holy white stone.'[49] In Scotland, the Kings of the Isles swore on 'the Black Stones of Iona' to preserve inviolate the rights of their vassals ;[50] and in his learned introduction to Small's valuable work on *Scottish Market Crosses*,[51] Hutcheson gives examples from Scotland of courts being held at standing stones, and of oaths being sworn upon them. The stone of Scone[52], and the *longi lapides* in the 'Rhineland,' the blue stone of Cologne, and the black stone of Worms, at all of which assemblies were held, may be recalled in this connection ;[53] and we are reminded that 'the Cross of Clackmannan is placed close to a great monolith . . ., and the Cross of Minigaff is simply

[46] *The Migration of Symbols*, pp. 103 ff.

[47] *Les Perrons*, pp. 3-4.

[48] *The Migration of Symbols*, p. 107. The present writer has unfortunately been unable to consult M. Piot's study, *Observations sur le perron de Liège*, in the *Revue belge de Numismatique*, iii. pp. 369 ff.

[49] *Loc. cit.*

[50] M. Martin, *A Description of the Western Islands of Scotland*, in J. Pinkerton, *A General Collection of Voyages and Travels*, London, iii. p. 657. At p. 651, a similar instance is given from Islay. In Raasay, the islanders raised little pyramids of stones in memory of the deceased ladies of the proprietor's family. These they called crosses ; and some of these were built of stone and lime and have three steps of ascent to them (p. 627). See also Forbes Leslie, ii. pp. 319-20.

[51] Stirling, 1900.

[52] Black, *op. cit.* p. 22.

[53] J. Grimm, *Deutsche Rechtsalterthümer*, 3° Ausg. Göttingen, 1881, p. 303.

a large block of whinstone.'[54] It seems, then, permissible to infer that these stones were in some way associated with the administration of justice, and may in time have come to be regarded as symbols of collective life, and, perhaps, of popular privilege.[55]

The *perron*, then, and the typical market cross of Scotland, which, as Dr. Black explains, is not a cross at all,[56] present themselves, when divested of later embellishments,[57] in the form of an upright column, standing upon or set into a base. And the question arises,—What is the origin of this column? D'Alviella expresses himself as inclined to adopt the answer of M. Eugene Monseur,[58] who holds that the *perron* was, in origin, simply a *truncus super lapidem*, 'a post of justice' upon a 'stone of justice,' as is suggested by the expression found in old Alsatian documents —to have 'post and stone' in a village—*i.e.* to have jurisdiction there. He recalls the German custom of erecting, in their public assemblies, a post on which was suspended a shield,—a custom which continued in observance until the zenith of the period known as the Middle Ages. These posts were, before the diffusion of Christianity, at once the symbols of 'the god of assemblies' (*Thingsaz*, the equivalent of Ζεὺς ἀγοραῖος), probably the god Tiews, and of the autonomy of the assemblies themselves. When the desire arose to ornament these emblems, it seems probable that an image of the god, in the guise of an armed warrior, was attached to or carved upon the top of the post or column. And when the meaning of these little figures had been forgotten, popular imagination gave to them the name of the paladin who stood highest in favour at the time, and the Irmin-pillar became

[54] Black, *op. cit.* p. 19.

[55] Cp. *The Migration of Symbols*, p. 105.

[56] Black, *op. cit.* pp. 12-13.

[57] Dr. Black suggests that possibly the Church gave its sanction to a market-cross by adding a wooden cross to the ancient symbol,—the upright column upon a base,—at times of market (p. 13); and points to the cross of Kilwinning—a short shaft to the top of which is attached an old wooden cross—as in harmony with that view (p. 16). At Cologne, the duration of the market was fixed by the expression 'quamdiu crux erecta steterit'; and Ducange in his *Glossarium*, *s.v.* '*Crux in mundinis*,' quotes from a charter of the year 1277 as follows: 'Omnes ad ipsas mundinas venientes ... totis diebus antequam crux ipsarum nundinarum erigatur, et tribus diebus postquam deponitur ipsa crux, in protectionem nostram et ecclesiae Traiectensis recipimus' (see Huvelin, *op. cit.* p. 354, note 4).

[58] *Supplément littéraire de l'Independance belge* of the 3rd May, 1891, cited in *The Migration of Symbols*, pp. 116-117, and in *Les Perrons*, p. 27. Monseur, whose work we have not seen, relies upon two German authorities—Zöpfl, *Die Rolandsäulen*, 1861, and Hugo Meyer, *Abhandlung über Roland*, Bremen, 1868.

the Roland-pillar. This substitution would, in Mayer's opinion, be made easier by the surname Hrodo, which, like Irmin, was one of the epithets attached to the name of Tiews.

v.

What, then, was the Irmin-pillar? Grimm[59] quotes from Frankish annalists of the year 772, who state that Charles the Great, in his conquest of the Saxons, captured Heresburg in Westphalia, and there destroyed the Irminsûl, which is referred to now as a fane, now as a fane and grove, and now as an idol. Ruodolph of Fuld expresses himself in some detail, and his statement is repeated by Adam of Bremen.[60] He says: 'Truncum quoque ligni non parvae magnitudinis in altum erectum sub divo colebant, patria cum lingua Irminsul appellantes, quod Latine dicitur universalis columna, quasi sustinens omnia.' Grimm[61] points out that in certain compounds *irman* had merely an intensive force, and that, consequently, *Irmansul* meant nothing more than 'a great pillar,'—a meaning exactly reproduced in Ruodolph's translation. At the same time, this fact does not preclude the possibility that *Irmin* had 'a personal reference in previous centuries.... Granted that irmansûl expressed word for word no more than 'huge pillar,' yet to the people that worshipped it, it must have been a divine image, standing for a particular god.' From a passage of Widekind of Corvei, which he quotes,[62] Grimm infers that on the occasion of their victory over the Thuringians on the river Unstrut, *circa* 530, the Saxons set up a pillar to their *Irmin*; but the words of the chronicler leave it uncertain which of the gods *Irmin* represented. He says that the name of the god suggested Mars, his pillar-statue Hercules, and the place where it was set up the Sun, whom the Greeks call Apollo; and he adds that these facts support the view that the Saxons owed their origin to the Greeks 'quia Hirmin vel Hermes Graece Mars dicitur.' This jumble, as Grimm calls it, seems to be explained by the fact that the correspondence between the classical gods and their northern counterparts was by no means exact. The offices of Hermes-Mercurius and Mars were to some extent performed by Wodan, Tiews, the war-god proper, being as such hardly more than Wodan's representative.[63] In one passage,[64] Grimm inclines to regard Irmin as the equivalent of

[59] *Teutonic Mythology*, i. pp. 116 ff.
[60] Grimm, *op. cit.* iv. p. 1322.
[61] *Ib.* i. p. 352.
[62] *Ib.* i. pp. 111, 353.
[63] *Ib.* i. pp. 264-5.
[64] *Ib.* i. p. 197.

Mars; but he points[65] to 'the accidental yet striking similarity of the name Irmansûl or Hirmensûl to Ἑρμῆς and ἕρμα = prop, stake, pole, pillar,' and to the facts 'that it was precisely Hermes' image or head that used to be set up on such ἕρματα, and further, that the Middle Ages[66] referred the irmen-pillars to Mercury': and he concludes his argument with the words: 'in *Hirmin*, the Saxons appear to have worshipped a Wôdan imaged as a warrior.'

Kemble[67] states that Woden was worshipped *æt wega gelætum*, and that he was the peculiar patron of boundaries. Indeed, he regards his identification with Hermes-Mercurius as satisfactorily established. On the other hand, Müllenhoff[68] holds that the true representative of the classical god is Tiews,—a view shared, as we have seen, by Monseur.

VI.

What, then, is the conclusion at which we have arrived? The evidence seems to show that the border-land was a holy ground, a neutral territory, within which those who belonged to different communities,—*i.e.* strangers and, because they were strangers, enemies,—met with one another for the purpose of trading, without fear of violence or robbery, so long, at all events, as the trading lasted. The case of the fair at Usnech suggests to us as probable that this trading took place not merely within the boundary-land but at the boundary-stone itself; and this fact, if it be a fact, leads us to think that, just as the beginnings of the market may be traced in the temporary truce of which we have spoken, so the symbol of the market-peace may have been, in origin, the symbol of the boundary and its neutrality. The characteristics of Hermes-Mercurius, the god of boundaries and the protector of merchants,

[65] *Ib.* i. p. 354.

[66] In the twelfth century, it is said of Mercury in the 'Kaiserchronik' (quoted by Grimm, *ib.* i. p. 116),

uf einer yrmensûle.	Upon an yrmensûl.
Stuont ein abgot ungehiure.	Stood an idol huge.
den hiezen sie ir koufman.	Him they called their merchant.

(See also Grimm, *op. cit.* iv. p. 1322, and i. p. 353, and the metrical homily, quoted by Kemble, *op. cit.* i. p. 339.)

[67] *op. cit.* i. pp. 340-341.

[68] Cited by Grimm, *ib.* i. p. 353. Schrader, *op. cit.* p. 108, regards it as undeniable that the classical writers regarded Woden-Odin as the counterpart of their Mercurius. The 'dies Mercurii' (Wednesday) was called Woden's Day, and Paulus Diac. i. 9, expressly says, 'Woden sane, quem adjecta littera Gwoden dixerunt, ipse est qui apud Romanos Mercurius dicitur et ab universis Germaniae gentibus ut deus adoratur.'

whose symbol was the upright stone, lend force to this suggestion. And, if we are warranted in identifying Irmin-Wôden, whose symbol was the wooden pillar, and the Gaulish god in whom the Romans saw Mercurius with that deity, we have grounds for holding that the boundary-stone is the ancestor of the *Irminsûl*, the Roland-pillar, the *perron*, and the so-called market crosses of Scotland.

It is, of course, not to be forgotten that many market crosses were Christian crosses from the time of their erection ; and that these were, in some cases, planted by the Church as substitutes for the old pagan monoliths. Still, the question remains whether some of the stones, now crosses in appearance, were not originally the objects of heathen worship, and do not owe their existing form to attempts by their votaries to give them the shape of a living body.[69]

P. J. Hamilton-Grierson.

[69] See note 43 above.

John Barclay

'WHAT?' wrote Etienne Pasquier in 1552, 'Shall we bear the name of Frenchmen, that is to say of free men, and yet bow our minds to the yoke of a foreign language? Have we not expressions as suitable as Latin ones, are we not as well equipped for eloquence as this ancient Latin?'[1] These words will serve as a typical expression of the growing interest in native literature and language which prevailed before the close of the sixteenth century over the old common Latin medium. The issue of the linguistic struggle was a happy one for writers who drew their inspiration from a rich native soil, but it bore hardly on those upon whom misfortune had imposed a destiny welcomed by the scholars of an earlier age. The growth of national literatures closed the doors in the faces of many who would have been made free of every fireside fifty years earlier. In most cases the result of this change was to drive the writer to the task of perfecting his native idiom and adapting it to his purpose. Where Latin was retained it implied a deliberate choice of that tongue as more fitted for a subject which appealed only to the cosmopolitan specialist. While this was the final result of the change, it was not arrived at immediately, and for some time it was possible for a writer to address his contemporaries in Latin on current events, but this condition did not outlast one generation. The fate of De Thou's *Historia sui temporis* was typical. It had in its Latin dress a great success among his contemporaries who had been steeped in Latin in their youth, but as the years passed, it only maintained a precarious foothold in the light of day in a French translation and has long since passed into the outer darkness inhabited by the productions of forgotten historians.

There was a class of writer to which this choice of idiom was not open. The strengthening and hardening of national life which found expression in the development of distinctive literatures in France and England was accompanied by the loss of

[1] *Les Lettres*, 1586, fo. 3 v. Cf. *Les Recherches de la France*, vii. 10 and 11.

types and elements of considerable value. Thus Scotland lost much in the departure of men such as Ninian Winzet and William Barclay, and in their turn these men and their like suffered an even greater loss in their uprooting from their native soil. These unfortunate exiles found that times had changed since Buchanan, Mayor, and Alesius came to their own in a Europe which had a common language and common standards. In the first generation they kept in touch with the associations and interests of their youth and their work smacked of their native soil, but it was different in the case of their children. The latter found themselves adrift in the stream of European life without ties or traditions—*isti peregrini*, as William Barclay, with a strange blindness to his own condition, dubbed some uncongenial fellow exiles. Men in this position found it impossible to link themselves on to any literary tradition save the common Latin tongue which was passing out of vogue under their eyes. The ordinary inarticulate Scottish exile soon found a home in France and was absorbed, but those who had an instinct for expression went to swell the thin stream of Latinity which watered Europe until French became the cosmopolitan language.[1] Scotland had passed out of their ken; they had no home market and had to appeal to a public interested in the pale abstractions which seemed their only heritage.

These general considerations find concrete expression in the career and work of John Barclay. He was the only child of William Barclay of Pont-à-Mousson and Angers, and his French wife. His father, a man of fine character and high attainment, gained a European reputation as a political theorist, and his treatises, *De regno et regali potestate* and *De potestate Papae* mark important stages in the development of the doctrine of the divine right of kings. The father's writings have an interest which those of the son do not possess. The former had passed his youth and early manhood in Scotland, and his writings, though primarily concerned with the political aspects of the French wars of religion and the controversy between James I. of England and Cardinal Bellarmine, are coloured with his national traditions and the memories of the Scotland of his youth. The facts of Scottish history formed the foundation upon which William Barclay built up a theory of universal application. This quality is conspicuously absent from the work of his son. Born at Pont-

[1] Cf. Sainte-Beuve, *Causeries du Lundi*, iii. 253; 'ce travers de latinisme prolongé.'

à-Mousson in 1582, he was probably educated by the Jesuits who controlled the College in which his father taught law. In any event and granting that his father directed his studies, John Barclay passed the first years of his life in surroundings stamped with the hard impersonal seal of the Society of Jesus. There is a tradition that his father quarrelled with the Jesuits on the head of the education of his son, and that he left Pont-à-Mousson to free the latter from their attentions, and John Barclay's writings offer strong arguments in support of it, but in the meantime it is sufficient to note that he accompanied his father to England in 1603, returned with him to France in a few months and remained with him at Angers until the year 1605, when he married a French-woman whose attainments as a writer of Latin verse were associated with less pleasing qualities. He returned to London in 1606[1]

[1] Apart from the evidence of his own writings and a few references to him in the State papers, nothing definite is known of Barclay's residence in England. He appears to have been received at Court, and his Latin verses are mainly tributes to persons of influence. Ghilini writes that, through the special favour of King James, he was not molested on account of his religion (*Teatro d'huomini litterati*, ii. 162), and Roscius credits him with a large share in the composition of his royal patron's *Funiculus triplex et cuniculus triplex* (*Erythraei Pinacotheca*, iii. 17). Crasso (*Elogii degli huomini litterati*, i. 203) states that under English influence Barclay abandoned Roman Catholicism for a time, and Roscius refers to this rumour, which was possibly a Jesuit fiction. Crasso writes that Barclay visited Scotland. His *Elogii* contains a fine engraving of Barclay, in which he is represented as having a high forehead and the prominent cheek-bones of a Scotsman, eyes watchful and wide apart, a small fastidious mouth, and the pointed beard of the period.

The following are the chief references to Barclay in the Calendar of State Papers (Domestic) :—

27th April, 1609. Dud. Carleton to J. Chamberlain. 'Sir Hen. Savile is appointed to correct the translation of the King's book, which was first done by Downes, then by Lionel Sharpe, by Wilson, and last by Barclay, the French poet.'

22nd May, 1609. Warrant to pay to John Barclay and Robert Ayton £300 each, for expenses on their journey with his 'Majesty's letters to divers foreign princes.'

19th Nov., 1609. 'Warrant to pay to John Barclay £200 for charges incurred on a long voyage, over and above his ordinary allowance.'

2nd September, 1910. Jean de Barclay to M. North (French). 'He remembered the name of the person whose escheat was granted to him; it is Cicely Howse, *alias* Rokete. Begs its speedy entry as she is extremely ill. Asks whether, as a foreigner and the King's servant, he is bound to contribute to the subsidy now raising.'

The foregoing references indicate that on at least one occasion Barclay was employed on minor diplomatic business.

and left England ten years later for Rome, where he died in 1621.[1] The brilliant promise of his youth bore partial fruit in writings which were very highly appreciated in their day and still mark a stage in the development of certain literary forms, but it was his fate to lead the life of a cosmopolitan exile. His father's well-marked personality and isolated career cut John Barclay off from those relations which offer an entry to the world of politics, and after leading the life of a needy and wandering scholar he died, isolated and disillusioned, in early middle-life. His widow died at Orleans in 1652, a wanderer like her husband. He left at least one son who became a priest, and in 1629 appeared in Paris, the bearer of a Cardinal's hat for the Archbishop of Lyons. He published some Latin verses, but, in the words of Menage, 'he made no great figure there,' and the family was swept away in the stream of European life.[2]

It would be vain to attempt to form an estimate of Barclay's character as a man apart from his writings. There is no material available, and we must be content to note in the course of an examination of his writings the personal factor which shows itself from time to time in his artificial pages.

His first production was a youthful commentary on Statius. The first book of his *Satyricon* is said to have been published in London in 1603, but no copy of this edition has been traced. A second edition appeared in Paris in 1605, and in the same year his Latin poems, bearing the title *Sylvae*, was published in London.[3] The second part of the *Satyricon* was published at Paris in 1607 and the third part appeared there in 1611.[4] *Icon animorum*, which has been generally printed as the fourth part, was published in 1614. A year after his arrival in Rome, *i.e.*

[1] Roscius gives some interesting details of Barclay's devotion to gardening, and describes his wife as *mulier tumido animo atque elato*, who removed her husband's monument from S. Lorenzo when Cardinal Barberini erected a similar monument to his tutor, *homo obscurus, ac nullius fere ingenii, et, ut ipsa dicebat, paedagogus.* Cf. *Erythraei Pinacotheca*, iii. 17.

[2] Cf. Dukas, *Étude bibliographique littéraire sur le 'Satyricon' de Jean Barclay* (Paris, 1880), 9.

[3] Cf. *Delitiae Poetarum Scotorum* (1637), i. 76. The version of Barclay's verses here printed is apparently that of the second edition published, with a dedication to Prince Charles, in 1614. Cf. *Ibid.* i. 77.

[4] Barclay had an interesting connection with Marco Antonio de Dominis, Archbishop of Spalato, who fled to England, but afterwards made his submission to the Pope. Cf. *Erythraei Pinacotheca*, iii. 17.

in 1617, Barclay published at Cologne a work of controversial theology which bore the title *Paraenisis ad sectarios*.[1]

The *Argenis* is said to have been completed on 28th July 1621. The author died on the 15th of August following and his masterpiece was passed through the press by his friend Peyrescius. Of the foregoing works it will be sufficient to consider the *Satyricon* and the *Argenis*.

Before dealing with these writings in detail it is desirable to note another effect which the author's personal history had upon his literary work. Reference has been made to the limiting and in a sense the impoverishing effect of his detachment from national life. But there is another side to the picture. John Barclay had much in common with his father, but one can trace in his work a gradual clarification of the rude and somewhat heavy temperament which he inherited. He began life by being almost exclusively Scotch and ended by evolving a point of view which had the clarity and parsimonious balance of a Frenchman of the eighteenth century, or perhaps of one of the modern Athenians who gave to Edinburgh a fugitive glory. The first step in this direction was his impatience of legal studies. In the words of Roscius he found 'jurisprudentiae studia spinosiora atque ab omni fere delectatione vacua.'[2] The next step is marked by his adoption in his earlier writings of peculiarly artificial and imitative literary forms, such as his attempt to reproduce the tone and manner of the *Satyricon* of Petronius Arbiter, with a resulting absence of life and character. A further stage is marked by his *Icon animorum* in which literary grace is combined with the results of personal observation of the various types of national character. This little treatise is a masterpiece of its kind, but it is abstract, and does not fully express the character and mind of the author. No writer of weight can express himself adequately in this medium, which can only be the receptacle for the by-products of a well stored mind. As a literary exercise this delineation of national traits has fallen into disuse, its place being taken by the casual and unstudied descriptions of foreign travel which are found scattered through the pages of most modern biographies. In this as in many other fields the eighteenth century gradually developed a rarefied and desiccated product which sterilised what was once a sufficiently promising literary method or instrument.

[1] Barclay in addition to the above writings, published a work in defence of his father—*Joannis Barclaii Pietas* (Paris, 1612).

[2] *Erythraei Pinacotheca Imaginum* (1692), iii. 17.

The final stage in this clarification of Barclay's talent is found in his *Argenis* which is infinitely superior from the literary point of view to any of his father's writings, and while essentially artificial in design and workmanship, is at the same time coloured with the experiences and mentality of the author. John Barclay fetched a wide compass, but he returned at last to the semi-political, semi-religious point of view of his father. In his hands, however, this point of view finds expression in a graceful and distinguished product of which his father was incapable. At the same time there is something wanting. In its Latin dress the *Argenis* is detached from the rich spontaneous life of humanity, and has none of the fire in which alone literature can be wedded to life.

The first book of the *Satyricon*[1] is a faithful and painful exercise in the manner of Petronius. It has all the abrupt and fantastic characteristics of its model. The hero jumps on to the stage with something of the inconsequence of a harlequin, and his grotesque misfortunes have no more reality than those of the Tin Soldier of Hans Andersen. It is practically free from the lubricity which characterises the original *Satyricon*, and has a certain human interest in respect that the incidents described have reference to the experiences of the author's father after his departure from Scotland. In the character of Callion one can trace an attempt to caricature the Duke of Lorraine, and there are casual references to the malign influence of the Jesuits, but the satire is purely literary and traditional and generally inept, and there is no characterisation. There are one or two picturesque incidents such as an encounter with two girls and a sorceress in a cave during a thunder-storm, but at the highest the production has simply the merits of a literary *tour de force*. A few points may be noted. Barclay puts some interesting observations on the history of letters, from the dark ages to his day, into the mouth of a loquacious professor, and notes the passage from the barbarity of medieval Latin to the false purism of his day which produces a style, '*non gravis ac nervosus, sed vanus et inanis*,' with '*nullum in verbis judicium, nullum in oratione acumen.*' Fired with an ambition which they are incapable of realising, mere boys attempt to rival the poets of antiquity, and instead of devoting their attention to more pedestrian and remunerative studies, such as Jurisprudence

[1] For an elaborate and interesting bibliographical study of the *Satyricon*, *vide* Dukas, *op. cit.* This is a rare pamphlet, coloured by the author's quaint and engaging personality.

and Eloquence, purchase glory at the cost of perpetual poverty. Only a few old men, the last remaining servants of the Muses, carry their names and attributes with them into the tomb. The fierce cruelty of the Italian race has done Apollo to death within their borders, and their pens stained not with rust but with blood, pierce their enemies more fiercely than all the *acerbitas* of their antique orators. What part have the Muses in the deliberate heaviness (*tardum pondus*) of Spanish or the rough asperity (*dura asperitas*) of the Germans? These delicate maids even made an attempt on the Poles and the Russians, but they were driven back from their borders by the horror of the eternal snows. France has no place for them in all her temples and palaces, and denies the greatest of the poets seemly burial and a simple stone. Barclay lightens the gloom of this picture with a measure of comic relief, but it probably expressed his own feelings. In a similar manner a certain imaginative sympathy with the passion of the alchemists may be traced in the words which he puts into the mouth of a fraudulent charlatan. An interest in the pseudo-sciences of alchemy and astrology had been introduced into France by Italian adventurers. '*Est etiam*,' he writes, '*quaedam paupertatis in hoc studio suavitas, ne gratis in naturae secreta pervaserint.*' Barclay had the art of coining epigrammatic phrases. Another example is found in the sentence, '*Sed nihil fiebat tardius, quam quod omnes imperabant.*' Again with reference to the misery of litigation, he observes that one successful law plea only proves the rule. '*Sed notum naufragiis mare non salute aliquot navium amittit crudelitatis nomen; nec proba est sirenum vicinia, quoniam transeuntem Ithacum non evertit.*'

In this first book with all its artificial extravagance a serious note is struck which links it on to that which follows in the expression of the author's hostility to the Society of Jesus. He had inherited this antipathy from his father, whose quarrel with the Order originated in a struggle for scholastic precedence, and was embittered by political differences and a sharp conflict regarding the education of his son. It is almost pathetic to find William Barclay reverting to the matter with dour animosity in the last pages of his unfinished *De potestate Papae*, and his son took the envenomed pen from his dying fingers. He was gifted with an imagination which his father did not possess, and his indictment of the Jesuits has a pungency and penetration which are lacking in the fierce parental invectives. In the first pages of the *Satyricon*

the fascinating and yet sinister figure of Acingius, the Jesuit, appears. By the purity of his life and his lofty aims, he has inspired his followers and incited youths to austerities and labours which are not naturally congenial to them. In spite of his humility, the world resounds with his fame. He rules Princes by inspiring them with fear of their subjects and nobles with an ungrounded pretence of royal favours. He directs governors and magistrates, and even controls the domestic affairs of many households. As the occasion requires, he makes use of severity, benignity, and astuteness, and is the author of reconciliations, marriages, and treaties, and the arbiter of piety, justice, and knowledge. But his presence casts a blight, and under his influence art and letters wither and grow barren. Youth is led astray by a show of wisdom, and deceived by the idea that the Muses have taken refuge among the Jesuits, and can only be cultivated in their dwellings.

The second book is dedicated to the Earl of Salisbury. Euphormio has escaped from his servitude to the Duke of Lorraine and recalls his past adventures, breathing the free air of the land of the Thistle and the Rose (Scholimorrhodia). He drops the fantastic artificiality of the first book and is content to deal with his personal history and the most salient political questions of the day. His actors bear fictitious names, but their identity can be discovered by the most casual reader. The narrative is full of interest, and contains a vivid account of the Court of Henri IV., of the Duke de Sully, of the bizarre personality of Rudolph of Austria, and of Venice and the struggle between Sixtus V. and that republic, but the prevailing note is that of hostility to the Jesuits, and it will be sufficient to deal with this topic.[1]

Barclay describes how he was fascinated by the learning of the Society and decided to perfect his education at Pont-à-Mousson under their auspices. There he met Themestius, the name under which he veils the personality of his own father, and he gives a glowing description of his virtues and those of his race. The old sage, writes Barclay, had fallen victim in his youth to

[1] Barclay's outspoken criticism of the Jesuits cannot be accepted as evidence of moral courage on his part. From the date of the submission of Paris to Henri IV. and the subsequent *arrêts* of the *Parlement*, the Order had been in disgrace, and its educational work in France was only carried on here and there by the tolerance of the local authorities. The documents are printed in *Mémoires de la Ligue* (Amsterdam, 1758), vols. v. and vi. Cf. also Crétineau-Joly's *Histoire de la Compagnie de Jésus* (Paris, 1847), vol. ii. cap. 7 and vol. iii. cap 1.

a passion for a woman of an alien race, and in yielding to this affection had doomed himself to perpetual exile, but he never forgot the beauties of his native Scotland and urged his protégé to betake himself there. But other influences were at work, and along with a friend of his own age Barclay fell under the spell of the Jesuits who like Sirens drew the youths from their duties to their parents and station to life to the vain pursuit of a fictitious and pretentious sanctity and learning. Seldom, one might almost say never, has the unique fascination which the Society exercised on a certain type of generous youth been more adequately described. The narrative has all the colour of personal experience, and constitutes a psychological document of first-rate importance. It is curious to note that the struggle which Barclay portrays is not one between an active practical life and a life of devotion and learning. Barclay was essentially a man of letters and a student. The conflict is one between a personal self-directed independent life and a life passed in the same pursuits, but stunted and perverted by a pretentious and ruthless discipline. Barclay holds no brief for the ordinary sensual man, and he describes how the enthusiastic boyish friend who along with him escaped from the lures of the Jesuits by foreign travel ended by becoming a dissolute man of the world. The character of his friend is a keen piece of psychological analysis. The strict discipline of the Jesuits once removed has often been followed by a revulsion to an unworthy and careless manner of life. Barclay's hostility to the Jesuits was not based on devotion to secular interests. He had a tenderness for religious convictions, however degraded and unworthy they might appear. 'As once,' he wrote, 'none would put out his hand to extinguish dying tapers lest he should violate the divinity within their flame; so it is surely more humane to suffer the smoke of flickering torches borne by those who light the way to faith, than to offer violence to those sanctities which cannot be stained by the blots of their votaries.'[1] Further, he insists on his fidelity to the Roman Church, and portrays a high ecclesiastic, identified as the Cardinal du Perron, who combats his own and his friend's enthusiasm for the Society of Jesus. The body, this personage insisted, is too close a comrade of the spirit to suffer violence without injury to its fellow.

[1] 'Nam ut olim occidentibus lucernis non afferebant manus, ne ignis divinitatem violarent; ita in illis qui ad religionem praelucent, humanius est vitia, tanquam fumum lychnorum morientium pati, quam dignitatibus vim affere, quas in turpissimis hominibus nulleae tamen sordes maculant' (ed. 1655), p. 136.

How monstrous it is to find the pupils of the Jesuit fathers attempting with minds blunted by excessive physical discipline and barren speculation to dictate to Princes and regulate the relations between church and state! In turn these pupils become fathers and magistrates and spread the poison which they have imbibed, at home and abroad.

A short description of two scenes from Barclay's narrative will indicate his temper and point of view better than further analysis. Euphormio was liberated from the unworthy life which he had been leading in Paris by a wave of moral and intellectual disgust and determined to retrieve his reputation in his own and others' eyes. With this end in view he entered the hall of a Jesuit College where a public disputation was about to be held. The walls were hung with allegorical designs, and the Jesuit who presided announced that the correct interpretation of one of them was required. Before Euphormio had time to rise to his feet a fluent and impertinent young pupil had launched forth in an eloquent attack on Jurisprudence as a study for the young.[1] This attack on the profession which his own father adorned, at the hands of a callow youth, was too much for Euphormio, who was no less eager to display his powers. He observed with indignation the faces of the Jesuits diffused with a joy which they made no attempt to conceal, and interrupted the harangue 'forti asperaque voce.' He accused his audience of seeking to introduce into the republic of letters and the sciences that ambition and envy with which they had already distracted the Commonwealth. In the absence of Pallas and Themis their spokesman would violate their daughter, Justice. The study of Jurisprudence is far more apt to discipline and elevate the mind of youth than the barbarous servitude in which the Jesuits contain their pupils by the aid of their hard regulations. The songs of the Sirens never sound so sweet as in the ears of those to whom sweetness is unknown, and the crude desires of youths are purged as they pass into the higher freedom of the serious study of a great science such as Jurisprudence. You apply, he declared, the sacred name of science to the nightmare which you call philosophy and to your sectarian barbarism

[1] In this, as in many other matters, the Jesuits had much in common with the Protestants. François Hotman, *e.g.*, wrote 'Nous ne parlons point de l'asnerie et barbarie des Canonistes, de la desbauche et dissolution des jeunes gens.' Cf. *L'Antitribonian*, cap. 14 and 15; *Opuscules Françoises des Hotmans* (Paris, 1616), pp. 80, 92, etc. A saner view of the dignity of legal studies is found in the masterpiece of Antoine Loisel, *Pasquier, ou Dialogue des avocats du Parlement de Paris* (printed in Dupin, *Profession d'Avocat*, i. 149).

and thrust out into the street Jurisprudence, the mistress of Gods and men. Euphormio proceeded with a bitter attack on the inanities of Scholastic philosophy, and the author notes that he was listened to with marked attention and even with dismay. At last the patience of his audience was exhausted, and the presiding Jesuit interrupted him by remarking that he had wandered from the point and must confine himself to his interpretation of the allegorical painting. Then Euphormio came to the earth, remembered who he was and that his interlocutor was that most formidable of beings, a Jesuit, and the stream of his eloquence dried up in a moment. He proceeded in a more moderate tone to set forth the disastrous effects of the Jesuit system in the study of Philosophy and History, and the absurdity of their practice of making their pupils perform tepid dramas in which their childish ineptitude only served to make ridiculous the heroes and heroines portrayed.[1] But again he was carried away with his own eloquence and developed his argument *ingenti vociferatione* until the evening, when one of the pupils interrupted him and with much amusement explained that the painting simply represented a jar of good wine and the appetites which such an object excited in different minds. This was received with much laughter, but Euphormio's wounded spirit was soothed by the skilful flattery of the Jesuit who expressed high appreciation of his gifts and spared no effort to capture him for the Society. The whole incident is described with great charm and a playful humour, which is directed to the youthful self-confidence and eloquence of Euphormio ; but it has its serious side, and is a valuable piece of evidence in a field in which external evidence is singularly lacking. The Jesuits are criticised for their democratic theories of the origin of human society and institutions, for their blighting and sterilising discipline and for their pretentious and superficial educational methods. There is no suggestion of the charge of lax moral teaching which was levelled at them in the next generation.

Euphormio fled from Paris to escape from the fascinations of the Jesuits, for after the irregular life which he had been leading there, they seemed to offer a haven of refuge. His flight only served to cast him again into their hands. In his journey to England he lost his way in the fields and took refuge in a building which proved to be a Jesuit College. To his confusion he found himself face to face with the very Jesuit from whom he had fled, but his host received him warmly and refreshed him with a good

[1] Cf. Sainte-Beuve's excellent phrase, 'cette manie singeresse.'

dinner and a feather bed. Euphormio would have been glad to clear the air with a few plain explanations as to their respective intentions, but he could not break through the web of courteous reserve, which seemed to suffocate him and made him almost hysterical. The whole scene is pure comedy. Each knew that the other knew that he knew. Barclay's description of the Jesuit institution is as full of allegories as a chapter from the revelation of St. John. As Euphormio wandered apprehensively through the grounds and examined the exterior of the splendid buildings, he was always conscious of the presence of the bands of emaciated youths who were engaged in tilling the soil. Their eyes were downcast and never met his own, but he felt that he was watched. The park had no walls and the open country offered him freedom in every direction, but at intervals isolated gates with allegorical figures seemed to his imagination to play the part of gaolers, and a species of torpor seemed to paralyse his will. He endeavoured to enter the main building, which had the appearance of a temple, but he was driven back by a fierce lion. The curiosity which he desired to satisfy, was another bait to lead him to submit to the preliminary discipline required of worshippers. He felt ill at ease in his isolation, and when he joined in the substantial mid-day meal, the food choked him and he could not eat. Ultimately he drew himself together and escaped what was in fact a mental obsession. Apparently he had no vocation for a religious life in the technical sense, and was free to marry his French shrew—a very Protestant conception of freedom.

Euphormio's arrival in England was followed by an encounter with a Puritan, who excited in his mind similar feelings to those caused by the Jesuits. In this respect he resembled King James, who dubbed the Jesuits *puritanopapistae*. In the course of their journey to London Euphormio and his companion encountered some peasants who were merry-making on a Sunday afternoon. They joined them and were pleasantly occupied when they were invited to enter a neighbouring house by a number of young people, who struck them by the simplicity of their dress and the gravity of their demeanour. On entering they were greeted by the master of the house, who had placed himself in the midst of a semi-circle of chairs, and bore himself with the exaggerated dignity of a Roman senator. He cast his eyes down on his long, white beard, and sighed deeply. When they enquired what might be the cause of his sorrow, he broke out into an indignant harangue: 'Had they been reared among the Scythians and barbarians?

Did they not know that they had committed an unpardonable breach of the Divine law in travelling on the Sabbath day? Not only were they travelling, but they were even travelling with unseemly mirth, and profaning his doorway with their untimely hilarity.' As soon as they had overcome their astonishment they were loud in their regrets, and finding him somewhat mollified, ventured to ask his name. 'I am the famous Catharinus,' he replied, 'so named by the prelatic faction, and if I may speak of myself, I am among the first in morals, and in religion I stand alone.' Pressed for further information he beckoned to his family, who ranged themselves reverently round him on the semicircle of chairs. When silence had been obtained, he discoursed at length on the fall of man and the powerlessness of Divine justice, on his own purity and righteousness, and in attempting to describe his own merits, he burst into tears. At this point his wife, a pretty girl of twenty, soothed him with caresses and turned him from further sacred eloquence by announcing dinner. During the meal, which was sufficiently merry, Catharinus could not keep his eyes from his young wife, on whose charms he gloated in a manner which astonished his guests. But their astonishment increased when the wife produced a pipe and the aged saint began to smoke. This satire of the early Puritans, with its deft irony and humour, doubtless pleased King James, and the reference to tobacco suggests that Barclay had this ulterior end in view in writing it.[1]

The *Icon Animorum*, which has been frequently treated as the fourth book of the *Satyricon*, though it has no relation to those which precede it, consists of a series of *characters* in the technical sense. It belongs to the same category as the writings of Earle, Sir Thomas Overbury, and La Bruyère's masterpiece. It appears to mark an interesting stage in the development of Barclay's talent. As has been noted, the first book of the *Satyricon* is a laboured exercise on a classical model, the third book is an autobiographical fragment under a thin veil, but in the *Icon Animorum* Barclay employs a narrow and conventional literary form, and without introducing alien matter, gives to his work distinctive character and individual colour. After some adventures in search of a medium, he found one in which he could express something

[1] In many editions of the *Satyricon* a fifth book is added under the title *Alithopoli veritatis lacrymae*, in which the attack on the Jesuits has characteristics which are absent from Barclay's work. The fifth book is the work of Claude-Barthélemy Morisot (1592-1661): cf. *Menagiana*, iv. 24.

of his experience of life. Barclay was a talented scholar, with all a scholar's interest in traditional forms, and in his *Icon Animorum* he is at his ease. The book contains penetrating observations on the general types of moral and intellectual character, but its interest lies in the fact that the author supplements those not with more specialised studies, such as the effects of occupation on character, but with descriptions of national types. This feature is the result of his limited personal experience and outlook as a cosmopolitan wanderer. His account of the French is as true to-day as it was three centuries ago, and if he treats Scotland and the Scots with less respect than they deserved, it may be pleaded in his defence that he was an exile and only met needy Scotch adventurers on the make.

The following passage may be quoted as a proof of Barclay's just appreciation of the best qualities of the French mind :

'But the middle disposition between these two, which is not wanting in that nation of the French, flowing with cheerfulness and capaciousness of mind, not bridled too much with a fained gravity ; is a disposition of transcendent excellency, and exactly framed to the image of wisdom joined with alacrity. . . . There is in them a wonderfull curtesie not feigned, nor trecherous, to ensnare them whom they court with friendship ; they are free from deceit, and secret hatreds ; they are free to entertaine all who desire their acquaintance and society ; and respective of all men according to their degrees and rankes. It is enough for a forreiner, which is admitted into their company, to preserve their friendship, if he keep himself from open villany, and too absurd folly ; soe that in other places thou had'st neede have a care of other men's dispositions, least they hurt thee ; but among true and accomplished Frenchmen, to keep thyself from giving offence. Nor is there anything more happy in human society than the manly sweetness of such compleat company.'

His estimate of the Scots was more critical :

'The Scots are of dispositions fitted for society ; of behaviour, and gestures of the body, excelling other nations, and like unto the French in all things, but the riches of their country. . . . But noe people are more mindefull of their pedigrees than they ; that they had rather sometimes disgrace their family by their poverty, than conceale the unreasonable expressing of their titles, or not mention their kindred. For it is necessary in a country more populous, than fruitfull, that some of noble blood should be borne to extreme poverty. Soe that the Scots dispersed into

many countries to get their living (and none are more faithfull and industrious than they) being still eager in publishing their nobility, are often laughed at by the hearers, than believed, or pittied. . . . None are more patient of military duties, nor none more valient in fight, than they, nor do the Muses ever appeare more beautifull than when they inspire the breasts of Scots. They are capable also of city business, and can fit their industry to any kind eyther of life or fortune. But those that travell, or rather wander in a poore fashion and rely upon no other meanes, than going to the houses of their country-men, which are growne rich in other lands, and demand, as it were, the tribute of their country, are most intollerable in their proud beggery.'[1]

The *Argenis*, Barclay's posthumous and most important work, stands by itself. It is a political romance with a peculiar character, and has features which mark it off from the work of Harrington and More, Sidney, and Fenelon. M. Boucher,[2] in his short Latin thesis on Barclay, states that having been asked by King James to translate the *Arcadia* into Latin, Barclay determined to produce an independent work and wrote the *Argenis*, but the story bears all the marks of fabrication. The legend that the *Argenis* was one of Cardinal Richelieu's bedside books, and was in fact his favourite political manual, is probably no better founded, but it is true in the sense that the political principles set forth in Barclay's romance found frequent expression in the policy of the great French statesman of the succeeding generation.

The *Argenis* was treated by the author's contemporaries as a *roman à clef*, and all the editors of the Latin text have furnished their readers with keys in which an attempt is made to identify the characters with real persons, but the attempt is doomed to failure, and adds nothing to the interest of the story. It is easy to identify Philip of Spain, the Duke de Guise, and one or two other actors in the French Wars of Religion ; but Henry of Navarre appears, now as one character and now as another, and the father of the heroine, a benevolent, dignified, wise and weak old King, has more of our King James I. than of the last of the Valois. Argenis herself is undoubtedly France, and in his portrait of this charming and spirited girl Barclay achieved a masterpiece and repaid a hundredfold his debt to the country of his exile. A prudent reader will be satisfied to realise that

[1] These passages are quoted from the English translation of Thomas May (London, 1631).

[2] Leon Boucher, *De Joannis Barclaii Argenide* (Paris, 1874), p. 41.

Barclay's romance is an abstracted and clarified reflection of the political state of France, and in a lesser sense of Europe, in the latter half of the sixteenth century. It is also the expression of the author's judgment of events and an indication of the remedies which he would apply to put an end to national disorder and disunion. It is in no sense a theoretical treatise in which an ideal world is outlined with the object of satirising the defects of human society, and the political system which the author sets forth is far from Utopian. It is rather a panegyric of the work of Henry IV. and a plea for its completion and preservation. The main argument is directed to showing the need for a strong and benevolent centralised government directed by a monarch endowed with his functions by divine right, but fully conscious of the duties of his calling. William Barclay had devoted his writings to the exposition of this political theory, and now his son set it forth with an elegance and literary charm which his father's semi-historical, semi-juristic writings lack.

Regarded simply as a romance, the *Argenis* suffers from the author's failure to observe the distinction between the manner and qualities of this literary form and those of an epic poem.[1] There are too many interludes thrust into the narrative, and the author's desire to follow the poetic tradition results in an artificiality which at times sinks to the level of puerility. On the other hand, the character drawing is excellent, and shows a remarkable advance on the *Satyricon*. The note of youthful extravagance and resentful exaggeration which sounds through Barclay's early work is entirely absent, and has given place to a certain sanity and fine irony which are often the marks of mental and moral maturity.

King Meleander, wise but weak, is beset with disobedient vassals who, under the leadership of Lycogenes, seek to usurp his functions, and have drawn a part of his subjects from him by deceit. The rebels have formed a league with a proud and overbearing foreign King who besets Meleander by

[1] This characteristic of the *Argenis* was regarded as a merit by the anonymous author of a French synopsis of Barclay's work, which appeared at Paris in 1728. 'La Gloire, une Conquete, des Triomphes,' he observed, 'sont l'objet principal des Poèmes Epiques: les sentiments nobles et vifs, les passions delicates, les artifices et les tourmens des cœurs amoureux font la base des Romans. Ceux, ou l'on voit le dessein marié à celui de l'Epopée, deviennent dignes de l'atention (*sic*) des lecteurs les plus sérieux, et telle est l'Argenis.' (*Argénis, Roman Heroique* (Paris, chez Pierre Prault 1728), ii. p. 332.) The modern view is expressed in Dupond's *L'Argénis de Barclai* (Paris, 1875).

sea, while Lycogenes and his allies besiege him by land. His daughter, Argenis, who has refused the suit of the foreigner, is the innocent cause of his enmity. The situation is further complicated by the fact that her father had received effectual aid from Archombrotus, the son of Hyanisbe, an African Queen. Inspired by the fame of Argenis, this youth had introduced himself into her household disguised as a serving-maid, and had saved the life of her father from assassins at the cost of his disguise. In an impulse of gratitude Meleander promised his daughter to him in marriage, and he departed to return in his true colours. His departure was hastened by calumnies which the seditious faction had poured into the ear of the too credulous King. In his absence Polearchus, also the son of a King, was shipwrecked on the coast of Meleander's kingdom. He gained the love of Argenis, who had a warm regard but no love for the man of her father's choice, and rendered valuable services to Meleander. The old King was in a dilemma between his promise to Archombrotus and his desire to gratify the mutual affections of Polearchus and his daughter. In his turn Polearchus departed and Argenis was left alone. On his return journey Polearchus succeeded in rescuing Hyanisbe, the mother of his rival, from an invasion at the hands of Radirobanes, the foreign King who had attacked Meleander, and on his part Archombrotus on his return rescued Meleander from another attack from the same source. The position of Meleander was a difficult one, but he was relieved from it by the discovery that Archombrotus was his own son by Queen Hyanisbe, whom he had met once, but had apparently forgotten. Argenis received a chaste salute from her new-found brother and married the man of her choice.

This complicated drama is enacted in a pseudo-classical setting. Argenis is a priestess as well as a princess, and, like the other characters, is continually sacrificing to the gods, and giving the author opportunities of displaying archæological knowledge, but when she swoons away at critical moments her attendants have to cut the laces of her stays. The reader derives mild entertainment from shipwrecks and battles, but, looked at merely as a romance, the *Argenis* owes whatever merit it possesses to its human interest and delineation of character. The two rivals for the hand of Argenis are gallant youths with nothing to distinguish them but their rivalry, and the associates of King Meleander simply serve as mouthpieces for the expression of the author's political views, but the character of the old King is well drawn, the French

conception of the character of Philip of Spain is well expressed in the person of Radirobanes, an idealised Queen Elizabeth can be traced in Queen Hyanisbe, and there is a study of Charles V. in his cloister. These characters are sketched with some skill, but it is difficult for the reader to forget the living models upon which they were partially framed save in the case of Argenis herself. In this high-spirited and warm-hearted Princess dutiful and yet independent, Barclay has painted 'a very woman'. Her letters are as vivid and charming as the writer of them, and she belongs to the gallant band of girls who move, at times fearful and at times serene, through the pages of the Elizabethan dramatists.[1]

The political aspect of the *Argenis* is found not so much in the plot, with its reflection of the political situation of France, as in the exhortations which Barclay puts into the mouths of the counsellors of King Meleander. Their practical observations mark the progress towards a settled form of government which had been made since the Wars of Religion. They have none of the doctrinaire extravagance which characterises the political speculations and polemical pamphlets of the Huguenots and the Leaguers. The claims of democracy and the religious question have dropped out of the field of vision and the questions discussed are mainly administrative. The people or the nation which asserted itself in the religious struggle of the previous generation has subsided and faded into an inert abstraction, and the court and camp form the narrow field in which the ruler plays his part. The scene is changed, and we are in the age of Richelieu, and even of the Fronde. Emphasis is laid on the futility of abstract political speculation, and attention is directed to the claims of a strong central government. The dangers of an oligarchy

[1] The estimate of the anonymous translator of 1728, to whom reference has already been made, merits quotation:

'Elle a toutes les qualites eminentes qui font l'apanage des filles vertueuses mais sensibles, la prudence, la grandeur d'ame, la fermeté. Sa tendresse nait de sa reconoissance; c'est le principe distinctif de tous les Romans, parce qu'il part du cœur. Des services importans, mille assurances de fidelité, soutiennent l'*Amante* dans les disgraces, dans les pleurs, dans l'absence. Barclai a de la modestie; il ne lui echape rien qui doive blesser la pudeur, et il eloigne les moindres soupçons. Mais parce qu'il faut qu'une Heroine de Roman soit *inimitable*, il veut bien exposer la sienne au même danger que les Filles de Lecomede coururent avec Achile. Il lui permet de sacrifier tout a sa passion; et pour la degager de la superstition, foible favori du Sexe, il la jette peutêtre dans l'extremite oposée: tandes qu'elle se donne toute entière au dehors de la Religion, en dedans elle paroîtra un peu *Esprit-fort*.'

are emphasised, and the questions of vital interest appear to be such as the maintenance of a standing army, the reformation of legal abuses,[1] the position of ambassadors and Parliamentary control of taxation. Barclay's observations on the last question seem to reflect the difficulties of James I. of England, and have a special interest for English readers in this respect.

It is to be noted, however, that the new political world which can be traced in the pages of the *Argenis* represents a compromise. The Leaguers and Huguenots had not lived in vain, though their extreme views had been repudiated by the common sense of the nation, and the monarchy which Barclay outlines is not the benevolent despotism which his father was constrained to advocate. His monarchy is a national office and not a dynastic privilege. He portrays kingship as a function derived certainly from God and not from man, but the emphasis which he lays on the rights of rulers is based on his keen sense of their responsibilities. He was enough of an idealist to conceive of kingship as an office which would enlighten and direct its holder by a kind of indwelling force, of a kingship which would hold to its course in the face of an inarticulate populace and unruly subordinates.

The *Argenis* was received with enthusiasm on its publication, and there are several editions in the original Latin, but the fact that it had to be translated into Italian to satisfy the curiosity of the ladies foreshadowed the fate which awaited it.[2]

The Italian version was quickly followed by others in French, English, and other languages, but few books can maintain their foothold in translations. From time to time, as is evidenced by the French version of 1728, the attention of a cultivated dilettante was drawn to the book, but its destiny was told by Johannes Meursius in his *Elegantiae Latini Sermonis*. In an epistle purporting to be written from the Elysian fields the writer refers to a conversation in which the shade of Barclay took part. Reference was made by Barclay to the good offices of Peyrescius, who

[1] In this field Barclay's suggested remedies have much in common with those advocated by François Hotman (*op. cit.* cap. 17 and 18).

[2] *Erythraei Pinacotheca*, iii. 17.

On 30th March, 1622, Chamberlain wrote in a news-letter to Dud. Carleton that he thought Barclay's *Argenis* 'the most delightful fable he ever met with,' and the letter of 11th May of the same year contains the following: Barclay's *Argenis* has grown so scarce that the price has risen from 5s. to 14s.; the King has ordered Ben Johnson to translate it, but he will not be able to equal the original (*Calendar of State Papers: Domestic Series*).

had edited and published his posthumous romance. *Et jure conquerimur, refert Barclaius.* But he was soon constrained to add: '*Viae temporum iniquitatem, summe Furbine; hominum malignam vide stoliditatem. Non placuit varicosis Magnatûm ingeniis liberalis Argenidis forma; non placebat stola Romana. Non amârunt in Latio natam pulchritudinem. Bibliopola magno, quòd sumptus, quos fecerat in ornandâ & comandâ, nullus inveniretur emptor qui refunderet, succensebat pudore offusae. Piper & thus minabatur. Erat Argenis toga cordyllis, & paenula olivis futura, ni Marcassi opem obtes-taretur, non magni viri, non ingenio sublimi, non doctrina lucupleti. Commendavit litteratorum plebi plebeius, nec nobilis scriptor. Rem ridiculam! Principibus viris placuit Argenis, postquam ineptis & fatuis placuisset.*'[1] Again, Menage refers to the *Argenis* as 'l'ecueil des jeunes gens qui veulent apprendre le latin.'[2] Scotland alone, the native country to which Barclay always looked with the enthusiasm of an exile, did not join in the general forgetfulness. She could not, for she had never known him.[3]

The *Argenis* was Barclay's final production, and it is difficult even to hazard a conjecture as to the lines on which his talent would have developed had he lived. The work which he has left serves to define him as a *politique* and *moraliste* in the French sense of the terms. His father's writings are those of a jurist with strong political and religious interests; his own work is literary in the first instance, but it owes its value largely to his interest in conduct and in the political questions which present themselves to the discriminating observers of every generation. It possesses qualities which give its author a modest place in the long array of political moralists who have enriched French literature from Philippe de Commines to Madame de Stael and her successors.

[1] *Joannis Meursii Elegantiae Latini Sermonis* (Lugd. Batavorum, Ex Typis Elzevirianis, 1724), p. xviii. The references to Barclay are contained in the introduction to Meursius' pornographic dialogues. The manner in which he is associated with Aretino, Boccaccio, and Rabelais suggests that he was credited with the authorship of Morisot's addition to the *Satyricon* (cf. note, p. 49).

[2] *Menagiana* (ed. Amsterdam, 1718), ii. 20.

[3] In his *Vota Modesta* (Delitiae, i. 129) Barclay wrote:

> 'Odi! sed me hominem sim tamen esse memor,
> Ne cupiam, timeamve mori, sint gaudia semper
> Mista malis; sed non haec mala longa nimis.
> Sit senium felix; quod quem fata ultima solvent,
> Fama meae restet non violata lyrae.'

Lord Hailes' short sketch of Barclay's life and writings is marked by a curious hostility to his subject.

One quotation must suffice to indicate Barclay's quality as a student of character in this sense :

'Whereas you say that King's Palaces are not altogether empty of worthy men ; I doe not disagree ; but hear mee, Archombrotus, there is a middle order of wise men, and fit for employment (as Gentry is in honour) which yet reach not to that height we now speak of. Of these men, there is more plentee ; and that these come oft to Court, I deny not; and when they are advanced, shine so bright with the borrowed rays of dignitie, that men think it the work of exact nature : as meann gemmes sometimes by cunning workmanship or the gold they are set in, receive a lustre equall to the best. To be diligent, to speak nothing rashly, to take paines, to imitate wise patternes, to hide the defects of their own wit : these things, as they do not necessarily make an excellent man ; so they are sometimes all you shall find in a praised great man : so that the absence of vice is called virtue ; or that a small streame of wisdom should grow in fame equall to the Ocean : whilst most doe conceive that agilitie and practice, whereby they doe enable themselves in civill business, to be the greatness and perfection of their judgment. Neither doe I grudge these their praise ; it is a great matter for a man to be raised to that height, and grow by his employment. But these are not they, Archombrotus, of whom we speake.'[1]

As publicist and moralist, Barclay belongs ultimately to the French school, and as a literary man he can only be 'placed' by linking him on to one phase in the development of French literature. In some respects his *Argenis* was a precursor of the Epic Romance of the Seventeenth Century, a highly artificial literary form composed, as an eminent critic has demonstrated, of the wreckage of many others. Barclay anticipated the work of Chapelain and Mlle. de Scudéri. From one point of view their productions were historical and from another moral. By their length, by the number of episodes with which they are weighted, by the unreal and heroic character of their incidents, and by the exalted station of the actors, they are epics of romance, but they are at the same time closely modelled on the facts of contemporary life. They have an historical interest and paint with sharp fidelity the characters, sentiments, and destinies of contemporaries. The fantastic plot cannot hide the realism with which the actors are portrayed. The artificial literary fashion

[1] *Argenis*, i. 13 (Long's translation, London, 1636).

which the *Argenis* inaugurated had much in common with the exercises in perspective which are to be found in the less frequented rooms of the leading galleries of Europe.[1]

Barclay was in fact French in all but his romantic attachment to the country of his father's origin and his fidelity to the Latin idiom.[2] These reservations, however, sufficed to exclude him from both France and Scotland, and he has always remained a stranger 'from the parts of Lybia round about Cyrene.' He

[1] Cf. Brunetèire, *L'évolution des genres dans l'histoire de la littérature* (Paris, 1910), pp. 6, 13, 78 and 81.

[2] The merits of Barclay's Latin style have been variously estimated. Hugo Grotius provided Peyrescius with the following lines for his first edition of the *Argenis*:—

> 'Gente Caledonius Gallus natalibus hic est
> Romam Romano qui docit ore loqui.'

The tribute is emphatic, but it has been interpreted as referring to *Romance* and not to Latin. 'Il aprend aux Romains a parler *Roman*, à composer dans leur langue latine une sorte d'ouvrage qu'ils n'ont point connu.' (*Lettres du traducteur a Monsieur* D.M.VIII., ed. Paris, 1728, ii. 344.) Barclay's learned contemporaries had the habit of decrying one another's latinity. As Henri Étienne wrote his *De Lipsii Latinitate Palaestra prima*, in which he criticised the style of Justus Lipsius, so the author of the *Censura Euphormionis* (1620) wrote of Barclay 'quod meritur aliquis, latinitas quoque ipsa Romanas aures perigrinate radit, et veteris saporis imbutum palatum offendi,' and Joseph Scaliger wrote to Charles Labbé: 'Quanti euphormionem Barclaii faciam ex ea cognoscore potes, quod vix sex folia ejus legere potuerim.' (Letter 311.) On the other hand, Coleridge is reported to have observed in the course of a conversation in which the *Argenis* was mentioned '. . . the style and Latinity of which judged by the universal logic of thought as modified by feeling is equal to that of Tacitus in energy and genuine conciseness and is as perspicuous as that of Livy' (*Literary Remains*, (London, 1836), i. 257). This estimate is of course exaggerated, and probably represented Coleridge's recollection of a passage in one of Cowper's letters (*Works*, ed. Southey, 1854, iii. 384). Barclay's style had the defects of his times. He had a wide knowledge of Latin literature, but he did not appreciate the importance of a scientific study of historical philology. Just as Justus Lipsius created a Latin style based on an attempt to combine the characteristics of Tacitus and Seneca, so Barclay employed a Latin which is a *mélange* of different epochs. Even the uninstructed reader is soon aware of the *clichés* with which the *Satyricon* bristles, but the style of the *Argenis* is much superior. The judgment of M. Dupond on this question is moderate and sound. 'Nous ne trouvons jamais dans Barclai,' he writes, 'cette maniere grave et majestieuse a laquelle se prete si bien la langue latine, ces phrases développées avec ampleur ou la pensée se deroule tout entière, avec tous ses éléments. Il ecrit comme les écrivains de la décadence, comme Pétrone dans un style sautillant coupé, haché meme quelquefois. On pourrait souvent croire qu'il ne fait que traduire du français.' (Dupond, *L'Argénis de Barclai* (Paris, 1875), p. 121.) The question is also discussed by Bayle in his article on Barclay.

stood on the narrow ridge which separated humanism from pedantry, and while his intellectual equipment was probably sufficient to give him access to the southern slope, his personal history and negative temper confined him to the higher levels of the other side. The latter years of his short life were passed in cultivating tulips on the slopes of the Aventine under the protection of a Jesuit Cardinal—a foretaste of the eighteenth century.

DAVID BAIRD SMITH.

The Site of the New Park in relation to The Battle of Bannockburn

THE publication of Mr. W. M. Mackenzie's ingenious and revolutionary theory about the battle of Bannockburn has drawn the attention of scholars to the tactics of the battle at the appropriate moment of its six hundredth anniversary. I venture to construct a new theory of the battle, which seems to me compatible with the authorities on which Mr. Mackenzie relies and also in harmony with new evidence of charters and other records.

The stress of the present argument rests upon the limits of the New Park. Any one who is familiar with the history of the battle will realise the importance of evidence for the exact situation of the New Park. Mr. Mackenzie's plan places the New Park a considerable distance to the north of the farm now known as Coxithill, and about a mile and a half from the Bannock. I believe that the New Park extended from Coxit Hill to the Bannock. As the Scots encamped the night before the battle in the New Park, and as Mr. Mackenzie says that everyone is substantially in agreement that 'the battle was fought on the ground between the encampments,' it is clear that a change in the site of the New Park affects the whole argument.

A detailed discussion of the evidence of the ancient charters and the more modern sasines must be reserved for publication elsewhere. Meanwhile, the following summary will indicate the main points on which is based the theory of the locality of the New Park, which is the basis of a new reading of the battle. That locality is an area enclosed between Borestone, Parkmill, and Coxithill, and it can be shown to have been under trees at the date of the battle. The accompanying sketch map illustrates the sense of the charters and sasines which transmit the New Park and the adjacent lands to successive owners from Bruce's day to our own.

Twenty-five years before Bannockburn made it famous, the New Park had very well ascertained boundaries. Its circum-

ference was carefully measured, and the measure of its length in feet has been preserved in the Exchequer Rolls. In the account of the Sheriff of Stirling for 1289,[1] there is an entry of a payment for putting up a fence 7200 feet long to enclose it. Fourteen years after he used it as his base at the battle of Bannockburn, King Robert granted the New Park, by charter[2] to a vassal named Adam Barber. The conveyance of the New Park by charter implies the existence of boundaries, either described in the charter or so familiar in the district as not to require description. There is no description, probably because the New Park may still have been enclosed in 1328. The charter simply states that the New Park is to be held according to all its right marches. A charter by David II., granted in 1369, proves that the land was then under wood. A charter of 1455 shows that the New Park had been acquired by William Murray of Touchadam, and since that date it has always been in the possession of the Murrays, whose title-deeds include the original charter of 29th July, 1328.

The situation and the boundaries of the New Park can be discovered from documents relating to the surrounding properties, the limits of which were not so well known as those of the New Park itself, and therefore required description. The lands of Torbrekkis (Torbrex) were given by Robert Bruce to a William Bisset, *c.* 1315-1321, and a charter of Robert Bisset in 1533 shows that New Park was on the south and south-east of Torbrex. A sasine of 1709 indicates that the south and south-eastern boundaries of Torbrex ran slightly to the south of the road from St. Ninians to Touch, marching with the lands of Cocksithill. We have therefore reached this point—that the charter of 1533 speaks of the lands of Torbrex as being bounded by the lands of Coxit. But the original charter of 1328 grants the lands of Kokschote, near Kyrktoun, along with the lands of Newpark, and the Murray sasines show that the names were used interchangeably, Newpark being the usual description where title is concerned, and Coxit being employed in descriptions of boundaries. Other sasines show the distinction between the lands of Newpark and the lands of Blackdub of Touchadam which form their eastern boundary, and the distinction between Newpark and the lands of Haggs and Graysteall which bound it on the west. The whole series of charters and sasines is consistent in leading us to the

[1] *Exch. Rolls of Scotland*, vol. i. p. 38.

[2] Charter in the possession of Major Murray, Polmaise.

conclusion that the lands given in Bruce's charter of 1328 as Newpark and Coxit, near Kyrktoun, were approximately the present farms of Parkmill, New Park, and Coxithill, lying to the south and south-east of Torbrex. In other words, the New Park lay between the road from St. Ninians to Touch and the road from St. Ninians to Chartershall, and the traditional Borestone is near the middle of the eastern boundary of the Park. In what follows, this localisation of the New Park will be assumed.

On the night of Friday the 21st June, 1314, the army of Edward II. lay at Edinburgh, and on Saturday the 22nd it was marching upon Falkirk. When Bruce received this information, he conducted his troops from Torwood on the English line of march to a point also on the English line of march, but much nearer Stirling Castle, the relief of which was the immediate purpose of the enemy. The ground to which he removed was well known as the New Park. Bruce's choice was dictated by the advantage given by a wood to an army of foot soldiers when the enemy is powerful in cavalry, a circumstance insisted upon, almost in identical terms, by Bruce in Barbour's poem and by Wellington in a conversation about the battle of Waterloo. Other considerations also recommended the choice of the New Park. A camp so placed had access to a good water supply in the Bannock Burn and the Kirk Burn, and there was plenty of firewood for cooking purposes.

The danger lay in a descent of the English upon the New Park from the high ground immediately to the south by way of Chartershall, where or whereabouts (and where alone in this locality) the Bannock could be crossed by an army in good order. This was certainly the natural point for Bruce to render impassable. In his account of the pits, Barbour indicates that their purpose was to prevent an attack on the Scottish right, to block an army route, not to form a trap on a battlefield; he makes Bruce say on the Sunday evening that there is no place for alarm: the strength of their position must prevent the enemy from 'environing' them. A tract of ground by the present old Kilsyth[1] road was dug all over into little pits the depth of a man's knee, fitted with stakes sharpened at the top and covered deftly by turf. So thickly were the 'pottis' or holes dotted that Barbour compared the tract where they were made to a bee's honeycomb; the 'pottis' (the *lids* of the 'pottis' were 'green,' so that they did not show) were perfectly placed to protect the right wing of Bruce's army—the

[1] It was part of Bruce's strategy not to block this route till Saturday night—till the last moment. The enemy first learned of the pits on Sunday.

only point exposed to immediate attack; and we read that on going out to inspect them on Sunday morning after they were made, Bruce was satisfied on seeing how admirably they answered their end.

'On athir syde the way weill braid
It wes pottit as I haf tald.' [1]

The tract 'honeycombed' must have stretched a considerable distance to left and right of what is now the old Kilsyth road.

'Gif that thair fais on hors will hald
Furth in that way, I trow thai sall
Nocht weill eschew foroutyn fall.'

Meanwhile the English army was approaching. They were met well out from the Scottish position near Torwood by Sir Philip de Mowbray, governor of Stirling Castle, who could inform them of Bruce's dispositions and of the blocking by the Scots of the best route by which to approach their position.

Stratagem must defeat stratagem. To get immediately within striking distance of the Scots position was not to be a simple matter. To the east of the hard level crossing blocked[2] by the pits, the bog of Milton,[3] then a sort of natural mill-dam,[4] arrested the approach of an army in strength, while from the mill, running due north-east to the carse, was the gorge of the Bannock. This impediment, following a winding course a mile in length, was impassable by troops. To the artist this cañon stretching on the one hand towards Beaton's mill at its upper extremity to Skeoch mill on the other and beyond to the carse, suggests only a scene strikingly picturesque, but to one looking for the military possibilities of the landscape it presents an overwhelming barrier[5] to an advancing army.

[1] Barbour, xi. 387-388. Mackenzie's edition, 1909.

[2] Sir Herbert Maxwell, in spite of Barbour's indications that Bruce had protected this exposed flat by digging pits to the south of it, marches the English army over the honeycombed ground to attack the Scots ('The Battle of Bannockburn,' *Scottish Historical Review*, xi., plan facing page 234).

[3] From Milton Bog to Milton Mill 'the strawnd' (muddy ditch) ran (1727). Over the Bannock from Milton Bog, *i.e.* on the south bank, a strip of ground was known as Weetlands, another strip as 'the bog,' as late as 1727 (Sasine, 10 April, *Stir. Reg. Sas.*). Of same date Craigfoord, immediately at the west of Catcraig, marks the site of the ford at Milton Mill, where James III. was thrown from his horse in 1488. This very narrow ford no army could cross in any order.

[4] The mill was here in 1215, a hundred years before the battle.

[5] The gorge for the whole mile averages from 30 to 40 feet in depth. Buchanan comments on the very high banks of the Bannock above the carse: '*prærltis utrinque ripis.*'

To bring the Scots immediately to a general action was impossible, in view of the news brought by Sir Philip Mowbray. But honour and safety were in conflict. The following day was the expiring day of the contract sealed between Sir Edward Bruce and Sir Philip.

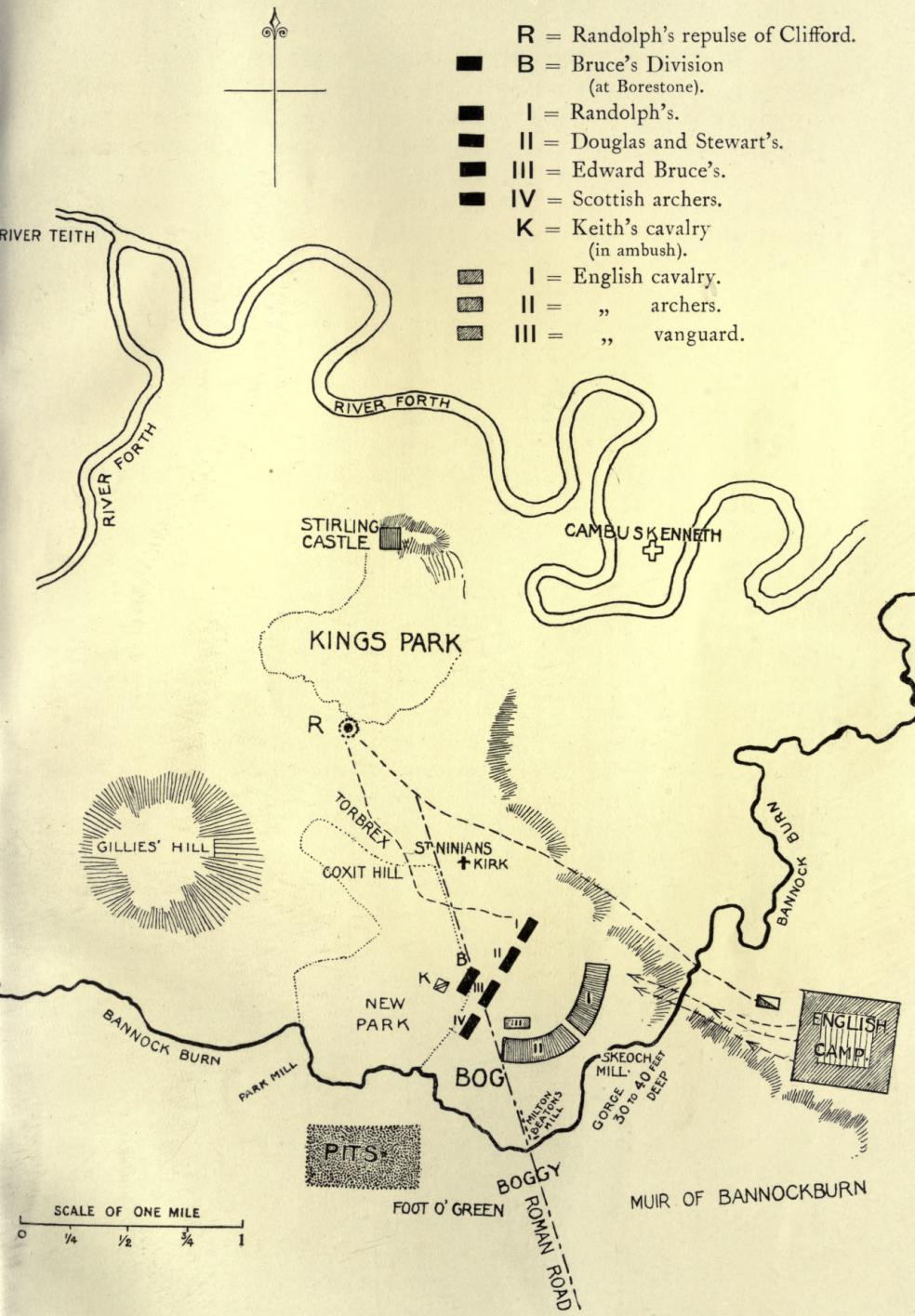
Honour and delay of a general conflict must therefore be reconciled. This led to the counter stratagem of the enemy. Sir Philip, who was personally responsible for the English being mustered here in Stirlingshire in force such as had never before crossed the borders, must vindicate his part of the treaty with Sir Edward—capitulation of Stirling Castle if not relieved by the 24th—and it was probably his suggestion that if a detachment of cavalry were flung forward to the Castle by the carse this would redeem his pledge and save the honour of England. The carse he knew well,[1] and could act as guide to the detachment or leave for that purpose a trustworthy member of the garrison who had accompanied him in this sally. This would allow the main body of the army to choose between an immediate engagement, if that were possible, and a delay in striking the contemplated blow.

The skill with which this stratagem was managed by the English has scarcely been sufficiently appreciated. That King Robert was watchful of the enemy we know, and his scouts must have been on the alert; yet this detachment had already passed the Scots position when first reconnoitred by them. This seemed to spell disaster; and the rebuke which Bruce administered to his nephew, the Earl of Moray, must have made his blood tingle. Moray, who occupied the Scottish left, which the English had just passed, now had the opportunity of showing the stuff of which he and his men were made. They instantly formed[2] and advanced towards the Castle. The English detachment was over confident; and 'the bloodless ride over' which Sir Philip had suggested as a redemption of his pledge, must be supplemented by an attempt to surround[3] the Scots position. To obtain this object it was necessary for Clifford either to await Randolph's advance or charge him. The latter alternative was the one decided on. The Scots knights, marching on foot, formed into a

[1] Sir Philip, as constable of Stirling Castle, regularly commandeered corn, cattle, victual, and other goods for his garrison from Stirlingshire (*Rot. Scotiae*, 81).

[2] It does not appear that the whole of Randolph's division advanced, but a detachment only.

[3] 'Voluit circuire silvam ne forte Scotti evaderent fugiendo' (*Chronicon de Lanercost*).


R = Randolph's repulse of Clifford.
B = Bruce's Division (at Borestone).
I = Randolph's.
II = Douglas and Stewart's.
III = Edward Bruce's.
IV = Scottish archers.
K = Keith's cavalry (in ambush).
I = English cavalry.
II = „ archers.
III = „ vanguard.
RIVER TEITH
RIVER FORTH
RIVER FORTH
STIRLING CASTLE
CAMBUSKENNETH
KINGS PARK
R
TORBREX
ST NINIANS KIRK
COXIT HILL
GILLIES' HILL
BURN
BANNOCK
B
II
K
III
IV
I
NEW PARK
BANNOCK BURN
PARK MILL
BOG
SKEOCH MILL
GORGE 30 TO 40 FEET DEEP
ENGLISH CAMP
HILTON
BEATON'S HILL
PITS
BOGGY
FOOT O' GREEN
ROMAN ROAD
MUIR OF BANNOCKBURN
SCALE OF ONE MILE
0
¼
½
¾
1

circle,[1] with spears protruding and their wall of shields protecting them. The English cavalry dashed upon them, but at the first encounter Sir William Deyncourt, a knight of great repute, was brought to earth, his horse slain with him. As a result of repeated charges many horses and riders lay upon the plain.

Among the persons taken was Sir Thomas Gray, whose son in his narrative tells of an altercation among the English leaders at the moment of attack. Sir Thomas was averse to an encounter, although there was no braver knight in the English ranks; as a prisoner of war he paid for his advice not having been followed.

The fighting had been no tournament affair; it was a determined struggle of mounted knights against knights on foot, and the former were utterly routed[2] by the latter. But the Scots camp was not only in danger of an assault on the north, it was simultaneously attacked from the east. The vanguard of the

[1] The field of this encounter is kept green by the name 'Battleflats,' corrupted into Batterflats. The ancient approach for cavalry to the Castle was from the west. Hence, riding south from the Castle the route was by the Round Table. Hence, also, in marching to intercept the English column, Randolph kept to the west of Laurelhill, as on the east of it was boggy ground. Nearly every sasine of Torbrex lands mentions this bog. In these sasines the two standing stones at the north-east of the old Torbrex lands are frequently mentioned, described as 'The standing stones betwixt the burgh of Sterling and St. Ninians Kirk' (*e.g.* Sasine, 4 and 6 Aug. 1716). As St. Ninians parish was constant in its boundaries towards the north prior to 1700, we may infer that the stones were there long before 1314, and were not a landmark set up to indicate where this engagement took place. This is the view of Sir Herbert Maxwell.

[2] *Scalacronica*: 'Lez vns dez queux fuerent au chastel, autres al ost le roy, qy ia auoint guerpy la voy du boys, estoint venuz en vn plain deuers leau de Forth outre Bannokburn, vn mauueis parfound ruscelle marras, ou le dit ost dez Engles detrusserent, demurrerent tout nuyt, durement auoint pardu countenaunce, et estoint de trop mal couyne pur la iournee passe.'

Gray, it seems, is referring here solely to the *destinations* of the fugitive knights routed by Randolph. At the moment of rout they were nearly a couple of miles *north* of the Bannock. The destination of a part of them, he tells us, was the English army then in camp *outre Bannockburn*, *i.e.* on the other side of the Bannock burn, or the *south* side. Mr. Mackenzie cites only the relative clause of the sentence, and argues that the phrase *outre Bannockburn* must be understood from the geographical standpoint of Sir Thomas as he wrote (*The Battle of Bannockburn*, p. 66; 'The Real Bannockburn,' *Glas. Arch. Soc. Proc.* vol. vi. pt. i. p. 94). If we follow these diametrically opposite readings, a glance at the plans will show that, while we both place the English camp in the carse, its site on Mr. Mackenzie's plan is *north* of the Bannock, and directly on Bruce's left flank (cf. *The Battle of Bannockburn*, pp. 69, 102, 99), while its position on the present plan is *south* of the Bannock, and directly in Bruce's front. Sir Herbert Maxwell (editor and translator of the *Scalacronica*) is of opinion that *outre Bannockburn* must mean south of the Bannock. Mr. Andrew Lang took the same view.

enemy was eager to share in the honour of at once surrounding the Scots position ; and as this squadron advanced at a trot, the mounted knights from the high ground of the Roman Road at Snabhead saw some Scots moving about in a provoking way on the east skirts of the New Park, as if already in flight. Had Clifford's column succeeded in its object ?[1] Warned by Sir Philip to avoid the pits, this second column filed over the Bannock—where a large army could not have crossed—at Craigfoord and Milton Mill, ascending the high ridge on the other side, formerly known as Lawhill. A quarter of a mile up the Bannock the Roman Road crossed. But the Romans, with their preference for straight lines, had run this road through a quagmire. The tract of ground on the south bank where it crossed the Bannock was known in 1727 as 'the place of the streets of the sinks,' while the ground skirting 'the street' is denominated 'bog' and 'weet-lands.' Once on Lawhill, the ground in front is firm, and with but a gentle gradient is suitable for a charge by mounted troops.

King Robert's station was at the Borestone. He rode about on a nimble pony in front of his position, reconnoitring the enemy's advance while holding his own troops in readiness in the margin of the wood. The *point a'appui* at Lawhill is such that a rider stationed at the Borestone is silhouetted into treacherous relief. Bruce, wearing a crown above his helmet, was immediately recognised by the most advanced English knights, especially when he rode out from the wood to a point some distance in front to have a better view of them. Here was a rare chance for single combat with the Scots King, and quick as thought Sir Henry de Bohun, cousin of the Earl of Hereford, gave his horse the spur. The king headed his palfrey into line with the advancing war-horse. When a horse-length distant, the king, with a swift jerk of the reins, avoided his assailant's spear, rose in his stirrups and with his battle-axe struck de Bohun as he passed. The knight fell lifeless, his skull broken to pieces.[2] When the English vanguard saw that de Bohun was dead, they fled, and the Scots, frantic with enthusiasm on seeing the English champion fall by the hand of

[1] Clifford was then engaged with Randolph's division to the north of the New Park, but hid from view by the wood and Coxit-Hill.

[2] The name of Braehead, the scene of this trial of arms, is given as *Brackhead* in the earliest recorded sasine of the farm (June 17, 1732, *Stir. Reg. Sas.*). The writer of the *Life of Edward II.*, c. 1325, who recounts the incident in a slightly different manner from Barbour, says :—'Sed Robertus ei restitit et securi quam manu gerebat, caput ipsius contrivit.'

their king, rushed from their camp with loud shouts[1] and pursued the retreating column as far as the defile.

The two detachments having broken away, the English army, following in the wake of the vanguard, reached the lands of Plane (so known in 1215), where Edward halted his entire force and called a meeting of his staff.[2] When Bruce directed the formation of the pits, he had calculated on their effect in dislocating the English plans: this meeting of Edward with his staff was the result. The English strategists carefully considered the new conditions in which they found themselves. Never before had the route by Chartershall been obstructed, and the information conveyed to them by Sir Philip Mowbray had come upon them as a surprise. Edward for his part desired the immediate arbitrament of battle. But he could not get within striking distance of Bruce by the expected route on that day, and to camp at any point above the gorge on the lands of Bannockburn[3] would render him powerless to attack the Scots position on the morrow, for the gorge, twisting to and fro for another mile, barred all passage for his army *by dryfield* to the Scots front.

It has not been sufficiently observed that when the English vanguard approached the Scots front by the narrow defile at Beaton's Mill and occupied Lawhill they were unopposed by the Scots. The Scots, on the other hand, made a feint of flight, Bruce meantime observing the movements of the mounted column from the Borestone. The single combat, with its attendant results, was a brilliant accident—the outrush of the Scots and the evacuation of Lawhill by the vanguard.

But Bruce neither then, nor at any time that day, nor that night, nor up till the dawn of the 24th, opposed the enemy's taking up a position in his front. It is here that the locality of the New Park is of first importance. The ground in the Scots front, devoid of trees, being outside the New Park—the eastern march of which was the old Kilsyth road, had a wavy surface, including Lawhill and Balquhiderock Hills—rising contours—but in addition three gentle depressions (1) Whins of Milton hollow, through which the present Denny road runs, (2) the hollow between the Bannock-

[1] Barbour, xii. 75-78.

[2] 'He gert arest all his battale
At othir als to tak consale.'—Barbour, xii. 7-8.

[3] The lands of Bannockburn in Bruce's time, as the evidence of charters and sasines shows, included the lands on both sides of the Bannock from Chartershall to a point on the gorge about midway between Beaton's Mill and Skeoch Mill.

burn and Denny roads, (3) the hollow below the Bannockburn road, where the farmhouse known as The Hole is situated. Mr. Mackenzie, conceiving this area as also part of the New Park,[1] and finding that the fourteenth century writers are in agreement[2] that Bruce went out of the New Park to fight, is thus obliged to seek the battlefield in the carse. He calls the part of the carse where he places the fighting 'the dryfield lands of the *Old Statistical Account*.' But there is no dryfield in the carse. The soil is all carse clay, on which cavalry could not, even to-day, be conveniently moved. Mr. Mackenzie's view that there is dryfield in the carse (a point which is essential to his argument) depends, I think, upon a mis-reading of the words of the *Statistical Account* (1796).

All King Robert's plans and wishes were that the English should take the area now described as in the Scots front. The English writer who points out the Scots feint of withdrawal gives us the clue to Bruce's plan of battle. After matters had righted themselves by the rout of Clifford at Battleflats, after Bruce had slain de Bohun and remade his dispositions, addressing his troops, according to Barbour, he used words which, when put in their proper place alongside the English writer's observation, disclose his whole plan of battle. As these words form the best guide to the site of the Battle of Bannockburn we quote them in full, all the more emphatically because an accurate fourteenth century topography is necessary to appreciate their significance.

> 'Na vs thar dreid thâme bot befor
> For strynth of this place, as zhe se
> Sall let us enveronyt to be.'

Bruce then feeling that his dispositions were justified by the events of the past day, which had rendered the impending battle a calculation of hours, inferring too the enemy's design from the position of their camp, said : We need not apprehend an attack from the enemy except in front. The strength of the position, as you see, is such as shall keep us from being surrounded.

When we have found that his frontal attitude throughout the 23rd and up to the dawn of the 24th was a false retiral or, at the most, a lying on the defensive under shelter of the wood, while he

[1] *The Real Bannockburn*, p. 91.

[2] Sir Herbert Maxwell, on the other hand, is in opposition to these writers when he assigns the Scots a position in the middle of the New Park in the point of attack on the 24th.

thus spoke of his front to his troops as the Achilles-heel of his position, the strategical design of his dispositions is unmasked. Bruce had *strategically* given up to the enemy the entire ground in his front, an area in itself larger than the New Park. It is this area, roughly speaking a parallelogram, bounded on the west by the old Kilsyth road, on the east by the mile of Bannockburn gorge, on the south by Milton bog and Milton lead or 'strawnd,' and on the north by the margin (or slope) separating dryfield from carse, that Barbour describes[1] as 'a mekill feild on breid.' It lay there *carte blanche*. No demonstrations were made upon it. No pits were dug there, nor is it necessary to assume, as Mr. Mackenzie does, that the English vanguard on the 23rd 'unconsciously' avoided them. By placing the pits south of Charters-hall Bruce designed to shift the scene of conflict from a very strong position for the enemy on his right, with no barrier to intercept their flight if defeated, to an excellent tournament ground on his front where if defeated no way of retreat lay open to them, while he himself in the event of defeat could retire among the New Park trees only a hundred yards in his rear. In fine, his plan was *not*, as it appeared, to *evade a battle*, but to *accept a battle* on ground of his own selecting.

But not content with making a free gift to the enemy of the area before the Borestone, he took a further precaution to conceal his intention from them by giving it out in the evening that he was on the point of evacuating the New Park for the Lennox.[2]

Meanwhile Edward had entered camp in the carse at the mouth of the gorge on the south bank of the Bannock (near the later village of Bannockburn). That this step was taken late in the afternoon is expressly stated in the *Vita Edwardi Secundi*, in Barbour's poem (xii. 330-334), and in the *Scalacronica*. Barbour makes it clear that the passage of the Bannock took place subsequently to the camping, very late at night and up till dawn on the 24th. In this he is in agreement with Sir Thomas Gray, who represents some of the English knights routed at Battelflats in the afternoon, as riding to Edward's camp south of the Bannock. Mr. Mackenzie in making the crossing precede the encampment[3] inverts the time-table of these writers. It is important to notice

[1] Barbour likewise certainly speaks in unmistakeable terms of 'the gret stratnes of the place wherein they (the English) were to abide fechtin.' The field of battle was a limited one.

[2] *Scalacronica.* [3] *Battle of Bannockburn*, p. 67.

that Barbour uses the same word about the encampment of both armies. The Scots

'in the park thaim herberyd thar.'

The English

'herberyd thaim that nycht
Doune in the Kers.'

He thus distinguishes the 'dryfield' of the next day's fighting from the camp, which was situated in the carse, which he describes as a morass (xi. 287). This distinction perplexed Mr. Mackenzie, who explains it on his hypothesis that 'the battle took place on the plain between St. Ninians slope and the carse.'[1] There is no such plain. The slope is the margin which separates two of the great agricultural sections of Stirlingshire, carse and dryfield—the plain lies not between St. Ninians and the carse, but between the Borestone and Bannockburn village.

During the night 'the plane hard feild' across[2] the Bannock, before the Scots position (reached at this point by a piece of green slope which looks to-day as if it might have been artifically graded for the purpose), was rapidly occupied by the English as a substitute for their adjoining marsh camp.

The English archers advanced first ('*ante aciem*') in the twilight of the midsummer night, ranging themselves on the ridge from Lawhill to Braehead farmhouse; the vanguard covered by the archers, and burning to redeem yesterday's retreat, advanced to a position slightly lower than the bowmen, while the battalions following the King's standard occupied the ground known as Balquhiderock Hills. When day broke, Bruce again stationing himself at the Borestone, saw his plan of battle realised.

He now issued orders to his own troops to march from their cover into the open field. This was one of two thrilling moments before the actual charge. The English army had been standing listlessly[3] in battle array; but as the Scots army emerged from the

[1] *The Real Bannockburn*, p. 101. [2] *Lanercost*: 'transissent.'

[3] Gloucester had even ridden over to Edward to suggest postponing attack on the Scots position till the morrow (*V.E.S.*). We have here an independent voucher that Bruce's prediction had been verified. The English now lay in his front, ready to attack him. Edward was right in rejecting Gloucester's suggestion, for King Robert's orders to his troops left the English no alternative but immediate battle. Gloucester's suggestion, like Bruce's memorable utterance to his troops, so responsive to the dispositions that are in the minds of the fourteenth century writers, bears no relation to the dispositions in Mr. Mackenzie's hypothesis; or, in the case of Gloucester's suggestion, did it mean, as on Mr. Mackenzie's hypothesis of the relative situations of the two armies it must mean, that Edward was preparing to attack Bruce's left flank on the plateau above, from the carse.

trees a few hundred yards in front, a gust of rapid movement animated the enemy's ranks. Every knight leapt into the saddle.[1] Barbour describes the bold emergence of the Scots :

'Thai went all furth in gud aray,
And tuk the playne full apertly.'[2]

The writer of the *Vita Edwardi Secundi* similarly :

'He (Bruce) led his whole army forth from the wood.'

The *Scalacronica* to the same effect :

'They marched out of the wood on foot[3] in three divisions.'

A short march, wholly unexpected by the English, for Bruce had hitherto appeared anxious to screen his troops in the shelter of the wood. King Robert was sensible of the terrible game he was playing in leading his troops from cover. But these troops the evening before in his presence had expressed the earnest resolve[4] to die upon that plain, or set their country free.

The first movements on the field were by troops on the higher ground. Well in front of the New Park trees, on the gentle eastern slopes of Caldom Hill, the battle began. Gloucester gave the order to his men to charge. The Scottish division on the right, led by Sir Edward Bruce, received the charge. The battle now became general. Randolph was posted on the Scottish left and the lower ground. King Edward, at the moment of attack, occupied the slightly undulating plain fronting the Earl of Moray. The division led by Douglas and Stewart now advanced, and thus the Scots ranks, when the English vanguard—the *élite* of the enemy—had been hurled[5] back upon the large 'schiltrum'[6] behind,

[1] *Scalacronica.* [2] Barbour, xii. 420-421.

[3] Cf. *Vita Edwardi Secundi.* 'Nullus eorum equum ascendit.' From these graphic touches, so sensitive to the dispositions, it appears that to the enemy looking on the Scots army at this juncture, the latter seemed destitute of a cavalry arm. This deception King Robert had designed. Sir Robert Keith, the Scots marshal in command of 500 light mounted troops, lay *in ambush* in the wood. Mr. Mackenzie is obliged by his hypothesis to assign Sir Robert a post *in the open.*

[4] Barbour, xii. 201-206.

[5] 'Aciem comitis contritam' (*V.E.S.*)

'Thar avaward ruschit was,
And, magre tharis, left the plas,
And to thar gret rowt to warrand,
Thai went.'—Barbour, xiii. 169-172.

[6] Barbour briefly describes the English order of battle :

'in a schiltrum
It semyt thai war all and some,
Outane the vaward anerly.'

were engaged from a point several hundred yards in advance of the Borestone to a point near the margin of the carse below. A mass of dead and dying horses and men marked the line where the battle was joined.

In the first encounter of the archers on the highest ridge of the battlefield the Scots bowmen were put to flight,[1] and the English bowmen proceeded to riddle the flank of the Scots line, when, to use Barbour's graphic words :

> 'The Inglis archeris schot so fast,
> That, mycht thar schot haf had last,
> It had beyne hard to Scottis men ;'[2]

but at that grave moment Sir Robert Keith, at a command from Bruce, wheeled round the south slope of Caldom Hill and took the archers in flank and rear. This *coup-de-main* led to important results.[3] A total rout of the English archers ensued. Throwing down their arms, they ran into their own cavalry's position. To save themselves from being cut down many fled. Thus, at the most critical moment of the day, by a skilfully laid ambush, the most efficient and most powerful arm of the enemy was in an instant put out of action. Two new phases of the conflict now supervened. The Scottish archers took up a position in the Scottish rear, and shot their arrows over the lower schiltrums of spearmen into the ranks of the English mounted knights.[4] The Scots knights on foot were still maintaining themselves along the whole line with the most determined courage and coolness.

But this was not all. Hitherto, Bruce from the Borestone, a well-selected vantage ground, had merely directed the evolution of his troops. The division following the Royal Standard had been kept in reserve on the height at the Borestone. The whole division now advanced. Thinking that the turning point of the day was clearly come, King Robert threw himself—at the head of this division—upon the enemy's left. 'It was awful,' says Barbour, 'to hear the noise of these four battles fighting in a line—the din of blows, the clang of arms, the shoutings of the war-cries ;

[1] 'Sagittarii regis Angliae cito alios fugaverunt.' *Lanercost C.*

[2] Barbour, xiii. 47-49. The Scots archers, says Barbour, were few in number compared with the English, 'that ma than thai war be gret thing.'

[3] How much at Bannockburn depended on the generalship of Bruce and the *finesse* of his dispositions is clear from the fact that were we to eliminate this *coup-de-main* from King Robert's strategy, the issue of the battle might have been altogether different.

[4] Barbour, xiii. 76-88. Cf. *ibid.* xiii. 208-224.

to see the flight of the arrows, horses running masterless, the alternate sinking and rising of the banners, and the ground streaming with blood, and covered with shreds of armour, broken spears, pennons and rich scarfs torn and soiled with blood and clay, and to listen to the groans of the wounded and dying.'[1]

The English ranks began to waver when along the whole Scottish line rang out the words :

'On thame ! On thame ! On thame ! Thai faill !'[2]

At this juncture what appeared to the enemy as a new Scottish army was seen issuing from the hills to the west, palpably to aid Bruce.[3] The English battalions now reeled. Some on either flank fled. But at many points the tendency to rout was for a time stayed by the English leaders. This gave the opportunity to King Edward's personal attendants to urge him, much against the grain, to leave the stricken field. A brave attempt was made to rally the day by de Argentine, who, having seen his sovereign safely off the field, returned to the battle. He fell.[4] Gloucester fell. The English ranks broken, the studied plan of Bruce's dispositions was now to tell with overwhelming effect.

As the eye to-day sweeps up and down the zig-zag mile of the great natural gorge which hemmed in the English rear, it is clear that, to an army routed or in flight, such a tremendous ravine would form a barrier of the most calamitous kind ; especially when one remembers that the southern boundary of the battlefield which dovetails with the gorge is 'the strawnd,' and that again led into Milton bog, while beyond these is the course of the Bannock, and still further the line of Bruce's pits.

In the Register of Sasines the edge of the cañon behind the English is expressively described as 'the rigne of the brea'[5] (*e.g.* Sasine 12 May, 1685). It is this feature of the battlefield which impressed itself upon the imaginations of Sir Thomas Gray, the Lanercost writer, the writer of the *Life of Edward II.*, and Barbour himself, as they heard the battle described, and they have vividly set forth what they heard.

[1] *The Pictorial History of Scotland*, Division I., p. 137.

[2] Barbour, xiii. 205. [3] *Ibid.* xiii. 225-264.

[4] 'Of his ded wes ryct gret pite.
He wes the thrid best knycht, perfay,
That men wist liffand in his day :
He did mony a fair journe.'

[5] 'The rigne of the brea' = the top of the slope.

Sir Thomas Gray sums up this phase of the battle in one masterly sentence. The English front ranks could not clear themselves, he says, their horses being transfixed on the Scottish spears; and as the fallen horses kicked out, and the fallen knights clutched at their comrades in the effort to rise again, the rear ranks recoiled, and in recoiling plunged over 'the rigne of the brea' into the ravine of Bannock burn, every one tumbling upon the other.[1]

The Lanercost writer similarly divides the principal slaughter on the field between those slain in the front fighting rank, such as the Earl of Gloucester, Robert de Clifford, Sir John de Comyn, Sir Payn de Tybetot, Sir Edmund de Mauley, and those slain by the natural death-trap in the rear. Another great calamity, he says, befel the English, who, driven back behind the pressure of the front ranks, fell (*ceciderunt*) mounted knights, horses and foot, into a large ravine at their backs; some extricated themselves, but the majority did not succeed, and those who were present at the battle and escaped spoke with terror of the gorge for years afterwards. The writer of the *Vita Edwardi Secundi* states as a novel feature that, when the hour of flight came, 'lo, on a sudden (*ecce*) a certain ravine,' as it were, a monster 'swallowed' (*absorbuit*) the bulk[2] of our army (*magna pars nostrorum in ipsa periit*). Barbour, who usually finds a parallel to the events he describes, states that in the annals of war he conceived the battle of Bannockburn to be unique:

> 'I herd nevir quhar, in na cuntre,
> Folk at swa gret myschef war stad.'

It was at once a defeat and a carnage.

The lads, swains, and baggage followers now arrived on the battlefield, ran down among the cumbered knights and struggling horses in the ravine and slew them, where they could offer no resistance.

On the two flanks, where pressure upon the gorge was less, flight was possible, and it was resolved by King Robert to pursue all sections of the enemy, giving him no time to rally.

Sir James Douglas was detached in pursuit of the King of England, who had first ridden to Stirling Castle,[3] but was now

[1] *Scalacronica.* 'Chescun cheoit sur autre.'

[2] The centre of the English army must have fared worst. The gorge was further in the rear of the two flanks.

[3] The present plan is compatible with Edward's movements, and is therefore not open to the objection which Mr. Mackenzie brings against the old view.

riding south for safety. The pursuit was followed to Dunbar. Sir Edward Bruce was detached in pursuit of the Earl of Hereford. He came up with the fugitive at Bothwell Castle. The earl and all his company were taken prisoners. A great body of troops leaving the right flank fled towards the Forth. In doing so they unwittingly entered a cul-de-sac as fatal as that from which they had just escaped. They found themselves shut by their pursuers in an angle made by two rivers. The Bannock receives the tide[1] daily a mile up its course (as far as Stewarthall bridge). Nor could the Forth be crossed here by fugitives; it is too broad and deep. Most of those who tried to cross were drowned. A great number of the fugitives ran from the battle-field over the carse to Stirling Castle, and clinging to the castle rocks made a show of resistance. A strong company was sent by Bruce up the crags to attack them, upon which they yielded as prisoners. A number of Welsh troops headed by Sir Maurice de Berclay got across the gorge on foot and fled south. Many, including Sir Maurice,[2] were taken prisoners, and many slain during their flight.

The finest army England ever saw had ceased to exist, and in a moment the destiny of Scotland was changed.

Sir Philip de Mowbray, Warden of Stirling Castle, in fulfilment of his treaty with the king's brother, now tendered the castle to Bruce. As in one sense he had given the occasion for this mighty overthrow of his nation, he preferred to remain in Scotland, and tendered his sword to Bruce, whom he served with the brilliant qualities that he had formerly displayed in the service of England.

THOMAS MILLER.

Cf. MacGregor Stirling's criticism of Nimmo's plan of battle: 'Many English, at the close of the battle, ran to the castle or the Forth, which they must have done through the victorious army, had it been drawn up from East to West.' Nimmo's *History of Stirlingshire*, 2nd edition, 1817, p. 222.

[1] 'In quam intrat fluxus maris.' *Lanercost.*

[2] *Vita Edwardi Secundi.*

Scotstarvet's 'Trew Relation'[1]

Chap. 3 *Concerning the erections.*

THERE were only 7 gentlemen and my selffe qho mett privatly for feare of the counsell whose principall members were all lords of the erections in whose presence I drew up a petition to the king shewing the great oppression of the noblemen in leading the gentries tithes and having there superiorities of kirk Lands over them craving his majesties favour to be liberat therfrae qhilk was anno 1626 qhilk petition was signed by Sir Jo^{n} Prestoun of Ardrie Sir Ja. Lermonth of Balcomby Robert Forbes of Reres Sir W^{m} Dowglas of Cavers Sir W^{m} Barlzie of Lammingtoun Sir Ja. Lockhart of Ley and my selffe qhom they intreated to carrie the samyn to his majesty bot being newly come from England I pleaded exemption and so Balcomby was sent whose coming was so acceptable to his majestie that he not only got ane favourable answere but was also maid a lord of the session after his returne Sir W^{m} Scot of Elie my uncle having a 1000 lib. stirlin of yeirlie rent subject to the slaverie of tithes to the Lord of Balcarras commended the enterprise but would not subscryve the same And because it may be surmised that in procuring the act of parl^{t} 1649 I exceded my commission in offering some augmentation of the yeirlie fewdewtie for obtening that favour to be turned the Kings vassals it seemes for my awin exoneration to insert the petition of the gentlemen of the shirefdome of the Forrest qho gave me warrand to condescend to the said offer qherof 9 were of the name of Scot as followes

To the Kings most excellent majestie The humble petition of the barrons gentlemen and uther fewars of kirk Lands within this kingdome humbly sheweth

Wheras albeit by 3 several acts of parl^{t} the kirk livings are appoynted to be halden of your majesty two anno 1633 and one anno 1641 and that your majesty by severall acts of exchecker

[1] Continued from *Scottish Historical Review*, vol. xi. p. 403.

proceding upon your missive lettres discharging all deeds done in the contrair and that by ane speciall letter writtin in favours of Thomas Hebburne your majesties expresse mynd to the full that your royall pleasure is that he sould hold his Lands [page 16] only of your majesty in place of the abbot of Kelso and therin gives command to the wryters and keepers of seales to register that letter in there severall registers and to doe no deed in the contrair as they sould be answerable to your majestie in there hightest perrell yet your petitioners to there great greife hes the tyme of this last parl^{t} found dyverss new signatours under your majestie putting the saids lords of erections in there awin places and of new subjecting us qho by the former acts & standing Lawes were free of there slaverie to hold our Lands of them in tyme to come qherby we were forced to meane ourselffs to the parl^{t} and to crave of them that the Lawes standing in vigour might not be taken away and therupon did obtaine an act in our favours that we still remane vassals to your majestie but withall we were put to reduce in law before the lords of session some grants & infeftments latlie past the seales directly contrair to all the former acts qhilk will be very prejudiciall & expensive unto us viz of Paslay Musse[l]burght Dumfermling & Kelso and being yet confident that these noblemen qho hes had that power so farre against the lawes to draw from your majestie a proper part of your patrimony will not yet being neare your majesties royall persone cease to importune your majesty with new suits of that kynd to our great prejudice the seene hurt of the croune the samyn kirk livings being the 3^{d} part of the kingdome We in all humility beseech your majestie to give command to your treasurer and advocat to asist us in the said persute and that therafter your majestie will do no deed in prejudice of the standing lawes in their favours and that seeing the saids lords of erections are still in confidence to remane our superiors so long as they possesse our few dewties qhich your majestie in respect of the present condition of affairs is not able to buy from them That your majestie would be pleased to give order to your treasurer and remnant lords of exchecker to suffer us in your majesties name to buy our awin few dewties from them at ten yeirs purchase and we are not only willing to advance the money in your majesties name but also during the tyme of not repayment by your majestie or treasurer a full 5^{t} part yeirly of qhatsumever dewties we sall redeme from you and being paid by your majestie or exchecker of the money qhilk we sall happen to advance we sall therafter enter in payment

of the full and haill dewties contened in our infeftments qhich in itselffe being just and equitable we hope will not be refused to us to the effect we may therby rest as god and the auntient lawes of the kingdome has provyded

Your majesties vassals & servaunts [1]

Bot as it is written of Crist[opher] Columbus that for all the good service he did to the croune of Spayne in finding out the Indies he was rewarded with a prison and irons on his legs so was I litle better by the gentry of Fife qho in there committee 1650 summoned me to compeir at Couper in the midst of winter under the payne of plunder and to bring with me the accompt of the 100 dollars sent to me to defray the lawyers charges qho were employed to pleade the cause of reduction qhilk forced me to send to Ed[r] an expresse qhen the passage was closed by the Inglish and bring from thence my servaunt Jo[n] Scot qho had received the money from Sir Ia. Lumsdene qhilk was superexpended bot at the tyme of the parl[t] 1649 qhen the act in favours of the gentry was made the power of the lords was so great with his majestie contrair his awin interest that he wrote both to the parlt and session in there favour willing then to permitt the noblemen to keepe the power they had & servitude over the gentry seing he was made beleve by them that the gentry that way would be kept at under and moved to act as pleased his majesty as there vassals & followers whose missives to that purpose stands registrat both in the books of parl[t] & session. And albeit there be many Limitations & restrictions in that act in favours of many corporations & particular persons the reason was to gett them on our side of it to overballance the power and great opposition of the saids lords yet qhenever the supreme authority sall urge there right in law they undoubtedly will triumph in the cause and make all these persons to be just in the cace that the rest of the nation are in for the reasons raised in the principall summons.

The true causes moving me to prosequute that bussines were two, the one the obligation I had to his majestie my master as director to his chancellarie not only myselffe as possessor of that place since the yeir 1611 but 4 of my predecessors clerks clerk registers directors of the chancellarie & lords of the session successively since the yeir 1487 whose interest I fand to be great by loosing a great part of the croune rent and superiorities of vassals

[1] Signatures not given in MS.

—(contrair the act of annexation)[1]—The uther was my awin prejudice as an heritor of 5 portions of Land all holden of kirkmen qhich would have forced me to have sought entrie of them[2] and become all there vassals qhich before by my wryts I held only of the king. I was also exasperate at ane sentence obtened at the Lord Lauderdales instance as pryor of Haddingtoun against me finding him superior of some of my Land holden of that abbey notwithstanding it was allegit by my advocats that both I and my author the Lord of Tarvet had our infeftments granted under the great seale to be halden of the croune dyvers yeirs before his infeftment of the said abbey and I behoved notwithstanding to agknowledge him superior till I fand ane way to illude him by purchasing ane chaplans ry^{t} qho long befor had gotten the samyn mortified and the few dewtie therof disponed to the chaplanrie called St Marufe in the casle of Craill and be the chaplans dimission I procured ane gift of the same from King James to S^{t} Leonards college in S^{t} Andrews And lykewise the fees of my office (upon there resignations service or retours or precepts of clare constat)[3] uplifted by there bailzies all qhich before past throw the chancery bot I behove to misken all till the matter of resignations of kirk lands came in hand anno 1628 since qhich tyme I was ever mynding it to my great expenss and deadlie hatred the lords of erections hes ever borne towards me and speciallie in the yeir 1648 I gott warrand from 14 shyres to complane to the parl^{t} in there names and to urge the act to be made in the gentries favours and they commissionat some principall barrons to second me in that bussines being 80 persons in all at a meeting in the tailzeours hall qhere sir Jo^{n} was president.

The commission granted by the barrons and gentlemen fewars to sir Jo^{n} Scot.

We barrons gentlemen & heritors of kirklands undersubscryvend for ourselffs and in name of the rest of the gentry of this kingdome being informed that albeit we have dyvers acts of parlt in our favours making & constituting us his majesties vassals yet the lords of erections are not ceasing daylie to impor-

[1] The words in brackets are in the margin of the MS., their precise place in the text is conjectural.

[2] It is of interest to note that this is the same grievance which has arisen under the Scottish Conveyancing Act of 1874.

[3] In margin of MS., place in text conjectural.

tunat his majestie for granting them new gifts of our superiorities and gifts of bailzieries qherby we are forced to agknowledge them our superiors contrare to equitie & reason have therfor made & constitute and etc the lord Scotstarvet givand & granting unto him to repair to his sacred majestie and to present a petition to him and argue the justice therof by all laufull means & reasons he can devyse and humblie to crave his majesties answere therupon and to follow & attend the samyn till the procuring & obtaning therof firme & stable holding & for to hold all & qhatsumever the forsaid commissioner laufully does or sall doe in our names in the premisses. In witness qherof we have subscryved ther presents with our hands

Ludovic Gordoun Fr. Lyon of Brigtoun Sir Ja. Monypenny Smetoun Richardsone Jo^{n} Moncreif of Randerstoun Sir Ja. Melvill Charl. Arnot of that ilk Kilbrachmount Da. Lyndsay of Pitslandy W^{m} Dundas M^{r} Jo^{n} Wardlaw of Alden W^{m} Scot of Ardrosse Rentoun Sir Ja. Lumsdaill Stitchill Sir Patrick Hammiltoun Sir Fr. Ruthven etc.

The petition of the gentrie given in by Sir Jo^{n} Scot anno 1649 to the Parliament[1]

Humbly sheweth

That qheras sindry noblemen and uthers taking advantage of the distempers and many difficulties of thir tymes having power and credit about his majestie have contrair to many standing Lawes of this kingdome procured from his majestie new gifts grants & concessions qherby his majesties immediat power and relations to us his vassals & subjects the profits & emoluments of his croune and the interest of us are much prejudged speciallie by the new gifts of the superiorities of kirk Lands regalities & bailzieries with power to enter vassals and other gifts of that nature already granted althogh unknowne to us or that in the progress of tyme by the successe of the forsaid attempts if not prevented may be expected from his majestie to the enthralment of the rest of the subjects & vassals of blanch few and ward Lands and subjecting of them to other new offices and jurisdictions for remeid qherof we have alreadie made our most humble addresse to the last session of parl^{t} and acording to thair reference therin to the lords of session and being after long dependance delayed & frustrat of bringing our just desyres to the wished effect find it necessary

[1] See *Acts Parl. Scot.* vi. part ii. page 244.

againe to have recourse to this honorabill parl[t] that our desyres and greivances may by your wisdome & justice [be] immediatlie taken to consideration & broght into a speedie determination Therfore we humbly begge that we may be freed of the great thraldome qhilk has bein endeavoured to have bein broght upon us by the forsaid practick and that his majestie and his successors may continue our immediat superiors in all tyme coming and that all such gifts of the superiorities of kirk lands regalities and bailzieries with power to enter vassals obtened contrair to Law and uthers of the lyke nature may be recalled & rescinded and that we may enjoy our freedomes & liberties as freely as at any tyme hertofore And that such acts and lawes may be made & constitute as will serve for the securing of us and our posterity in the enjoying of these liberties & freedomes in all tymes herafter all qhich being consonant to good conscience & equitie the lawes & liberties of this kingdome we are confident your lordships will grant the petition of 900 persons out of the shirrefdoms of Fife Stirlin Lothian Roxburgh Kincardin Lithgow Drumfreis Selkirk Renfrew Barwick Forfare Air Perth

The summons of reduction intended against the Lords of Erection

Charles

Our will is etc that ye peremptorly summond warne & charge our ry[t] trust cousins & counsellors Charl[es] erle of Dumfermling Ja[mes] erle of Abercorne Robert erle of Roxburgh Jo[n] erle of Lauderdale in maner following That is to say so many of them as are within the realme personally or at there dwelling houses and so many of them as beis furth be open proclamation etc To compeir To answere at the instance of etc our advocat for our entress who by dyvers lawes & acts of parl[t] and namly by dyverss acts of annexations & other acts have good & undoubted right to all & qhatsumever kirk Lands teynds superiorities patronages regalities pertening of old to qhatsumever abbacies pryories and other benefices erected in temporall lordships within this our kingdome at leist we having the undoubted right to the superiorities be vertue of our act of parlt 1633 qherby it is declared that the ry[t] and titill of the superiorities of all & sindry the Lands barronnies woods mylnis fishings maner places and haill pertinents therof pertening to qhatsumever abbacies pryories provestries & qhatsumever other benefices of qhatsumever name & designation the samyn be erected in temporall lordships barronnies or livings

befor the generall annexation of kirk Lands made in July 1587 together with the haill few maills few fermes and other rents & dewties of the said superiorities to be annexed and remane with our croune for ever and therby having good & undoubted entress to persew the action of reduction declaration & improbation underwritten And also to answere at the instance of our vassals of the kirk Lands & uthers after specifeit viz of W^m^ erle of Dalhousie & Geo. lord Ramsay his sone vassals to us in the Lands of Abbotshall & Westmylne of Kirkaldie with the pertinents therof Lyand within the regalitie of Dumfermling & shirrefdome of Fife M^r^ Jo^n^ Nicolsone advocat heritor of the Lands of Nether Houdane qhilk held of old of the regalitie of Mussilburgh Sir Robert Dobie of Stoniehill heritor thereof qhilk held of old of the said regalitie Sir Ja. Melvill of Burntiland proprietar therof qhilk held of old of the regalitie of Dumfermling Sir Jo^n^ Scott of Scotstarvet commissioner for certane gentlemen vassals to us in certane portions of Land halden of before of the abbots lo[rdships] & regalities above writtin M^r^ Ja. Cheyne of Wastoun heretabill proprietar therof qhilk held of befor of the abbacie of Kelso Robert Fork shirreff clerk of Renfrew for his lands of Corsflat in the abbay of Paslay and toune with concourse of there magistrats for there toune Lands and liberties therof Who were vassals to us in the saids Lands have lykwise good and sufficient entress to persew the said action against the saids defenders to the effect they and there airis & successors may hold the saids Lands immediately of us and our successors and be subject and lyable in payment to us our treasurer and collector of the saids few maills few fennes and other rents and dewties of the saids superiorities in all tymes coming without interposition of any superior betwixt us and them and may be only subject to us and our shirreff officers and others our ordinar bailzies of regalities and noways to any of the defenders Lords of the erected Lands & livings there officers and bailzies of regalities be vertue of ane pretended lyferent or heretabill right granted to them be us or our predecessors be the Lawes of this kingdome That is to say the saids defenders to bring with them exhibite and produce befor the saids lords of our counsell and session the saids day and place etc all and sindry pretended infeftments chartours tacks rights & other titles after mentioned maid to them or any of them as followes viz ane pretended tack of land made be us to Charl[es] erle of Dumfermling under our privie seale of the dait the 25 June 1641 of the lordship and regalitie of Dumfermling and haill pertinents

therof and of the profits emoluments and haill patrimony of the samyn for the space of 3 nyneteene yeirs except for the regalitie of Musselburgh item ane pretended letter of explanation of the forsaid tack under our privie seale of the dait 8 Sept. 1643 contening ane warrand for uplifting of grassumes doubling of few dewties and for ressaving & entering airis & vassals upon retours precepts of clare constat comprysings resignations adjudications persewing of improbations against the vassals & tennents of the said Lo[rdship]: item the act of parlt made in his favours qherby the 3 nynetene yeirs tack is ratified item ane pretended letter of gift qherby our umqhill father King Ja. 6 gave & granted to umqhill Patrick Master of Gray the monastery & prelacy of Dumfermling with the haill teynds kirks barronnies emoluments & dewties pertening to the said monastery daited at Stirlin the 8 Sept^{r} 1586 qhilk is ane pretended ground of the ry^{ts} following conceived in favours of Jo^{n} erle of Lauderdale and his predecessors of the lordship and regalitie of Mussilburgh qhilk was ane part of the lordship and regalitie of Dumfermling Item ane chartour granted be our umqhill dearest father to umqhill Sir Jo^{n} Maitland of Thirlestane secretary for the tyme of the said lordship of Mussilburgh contening the particular Lands mylnes and others therin mentioned upon the resignation of the commendator and the convent contening ane clause de novo damus qhilk chartour is daited the 28 June 1587 As also an other pretended chartour made be us to umqhill Jon erle of Lauderdaill of the sad lo[rdship] daited the 12 nov^{r} 1641 As also ane pretended chartour under our great seale maid be us to Ja. erle of Abercorne of all & haill the lo[rdship] & barony of Paislay daited the etc day of etc 1642 And in lyke maner an other chartour granted be us to Robert erle of Roxburgh of the lo[rdship] & baronies of Holliedeane comprehending dyvers lands teynds offices & uthers pertening of old to the abbacie of Kelso qhilk chartour is daited the 21 June 1647.

(*To be continued.*)

Reviews of Books

THE REGISTER OF THE PRIVY COUNCIL OF SCOTLAND. Edited by P. Hume Brown, M.A., LL.D., Historiographer Royal. Third Series. Vol. VI. A.D. 1678-1680. Pp. xxxv, 808. 8vo. Edinburgh: H.M. General Register House. 1914. 15s. net.

THE tendency obvious in Volume V. (noticed *S.H.R.* x, 422) towards growing severity in 1676-78 in order to compel religious conformity led inevitably to explosions of resistance and revolt in 1678-80 duly chronicled in Volume VI. now under review. 'The two years of our period,' says the editor, 'are among the most memorable in the history of Scotland. In those years occurred the murder of Archbishop Sharp, the defeat of Grahame of Claverhouse by a body of Covenanters at Loudon Hill, the Rising of the religious recusants in the West, their rout at Bothwell Bridge, and the repressive measures of the administration that followed. With these successive events it was the business of the Privy Council under the presidency of Lauderdale to deal to the extent of its powers—its prime function as a constitutional body being the maintenance of the public peace.'

Accordingly the record is a continuous story of repression, of prosecutions for rebellion and of manifestly abortive effort to crush the general spirit of sympathy with the Covenant movement. Strange tests to outwit the devices of honest political casuistry appear in the interrogatories to persons suspected. Rigorous inquisitions were made concerning the series of outbreaks—the attacks on the town mayor of Edinburgh, the skirmish at Lesmahagow, the murder of the Archbishop, the burning of Acts of Parliament at Rutherglen, the battle (Drumclog) at Loudon Hill, attacks on the royal forces at Glasgow, and at last the battle of Bothwell Bridge. To track the participants and detect their abettors and resetters and to get bonds of assurance from a reluctant people there was fierce cross-questioning of suspects. Did they regard the killing of Sharp as murder, or as unlawful, or as sinful? Was the rebellion a rebellion? If they would not answer in the affirmative they were to be indicted. Typical replies may be cited dating some weeks after Bothwell Bridge. 'John Richardson in Stenhouse being called and examined declares that he thinks the late riseing in arms was no rebellion and is not clear to signe the bond and thinks that the last riseing was not against the King but for the truth of God.' 'William Cameron in Dalmelingtoun confesses he was in rebellion but is not clear to call it a rebellion or that the killing of the Archbishop was a murther.' A singular expedient borrowed from continental methods was adopted as regards the supposed murderers; they were 'to be hanged in effigie in all

the shires of Scotland that they may be more easily discovered' (p. 308). As the register proceeds through the year 1680 things do not improve: Donald Cargill at a conventicle excommunicates 'us (*i.e.* Charles II.), our dearest brother (*ie.* James II. *futurus*) and our chieffe ministers'; the conventicles if restrained at all are only a little restrained by sheer military force and strenuous prosecutions by Sir George M'Kenzie, the King's Advocate, who is earning a historical nickname. Politics were once more theology, with a vengeance, although there were few executions of the rebels.

In the magnificent index the heading 'Church and Religion' occupies seven solid, heavily referenced columns. Lauderdale, Secretary of State (until October, 1680), and the Privy Council have scarcely any other public business. The few witchcraft prosecutions perhaps indicate less the recrudescence of that frenzy than the engrossing claims of the Covenant to malign attention by the government. A 'Compt of the expenses given out anent the witches,' four in number, strangled under sentence in 1678 at Peaston Moor, Haddington, is painfully matter of fact in its cruel detail. The exportation of vagrants goes on in ships for the American Plantations and the cargoes actual and expected include covenanting prisoners. Miscellaneous documents in an appendix include earnest remonstrances against the repressive policy and the exaction of bonds and tests as at once unlawful, unreasonable, and likely to prove 'unprestable.' Scores of these bonds are minuted. Some references to the books and printing are of interest, especially the mention of seditious works smuggled from Holland, including the well-known *Naphtali* and the still more famous treatise *Jus Regni apud Scotos*, by Buchanan. Professor Hume Brown in his succinct and yet comprehensive introduction has indicated the salient features—political, religious, legal, and social—of the period covered, and he notes among the literary facts the litigations between Andrew Anderson and Robert Sanders, the rival printers. A remarkable circumstance, considering all things, is that 'the time was prolific in Latin grammars.' Of course, however, the great feature of this volume is that it contains the full official statement and sole authoritative record of the case for the government—sorry enough, it is true—against the covenant interest in Scotland.

GEO. NEILSON.

CHRONICA JOHANNIS DE READING ET ANONYMI CANTUARIENSIS, 1346-1367. Edited, with Introduction and Notes, by James Tait, M.A., Professor of Ancient and Medieval History. Pp. xi, 394, with two facsimiles. Demy 8vo. Manchester: The University Press. 1914. 10s. 6d. net.

THIS volume contains two hitherto unpublished chronicles of the reign of Edward III. Professor Tait has furnished introductions to both, which, in learned discussion of the problems of sources and influence, leave nothing to be desired.

In the case of the chronicle of John of Reading, Monk of Westminster, whose work survives in a single manuscript in the Cottonian Library at the British Museum, the editor has now made available to students the text of chronicle which the continuator of the English Brute used as the basis

of his continuation from 1346 to 1361, and occasionally for the six following years, and from which some of the more picturesque passages in the English chronicle are taken.

Dr. Friedrich Brie was the first to point out this connexion in his essay *Geschichte und Quellen der mittelenglischen Prosachronik The Brute of England*, in which he mentions that the Latin chronicle, in spite of its acknowledged historical value, has not yet found any editor. This want has now been fully supplied.

These two chronicles are of real importance for the short period of the reign of Edward III. which they cover, and are in several instances our authority for events otherwise unrecorded. Thus we know only from Reading's chronicle of the King's angry outburst in 1367 against the Scottish envoys, wherein he addresses them as '*Vos degeneres et dolosi canitiem meam spernentes!*' and declares that they whisper to each other 'the King of England has become an old dotard, no longer fit for warfare, let us take measures rapidly, inviting to our aid islesmen and foreign mercenaries, and thus overwhelm him, now that he is bereft of his old feudal army and enriched by treasures taken from us and other nations.'

John of Reading, like a true monk of the period, had a thorough dislike of the Franciscans, and he loses no opportunity of reviling these active missionaries, '*qui sibi adhaerentes semper pejorant.*' People who elected to be buried in the Friars' churches were objects of his special contempt.

The text, notes and index combine to make this work a credit to its editor and also to the Manchester University Press.

JOHN EDWARDS.

THE BOOK OF THE DUFFS. Compiled by Alistair and Henrietta Taylor. 2 vols. Vol. I. xxii, 307; Vol. II. xiv, 321. With numerous Illustrations and Genealogical Tables. 4to. Edinburgh: Printed by T. & A. Constable, and published by William Brown. 1914. £2 2s. net.

No such elaborate history of a Scottish family has been published since Mr. George Seton's *Family of Seton*. It can hardly compete with that work in general sumptuousness of get-up. But on the other hand if it is not so much an *edition de luxe*, or written with quite that literary grace which distinguishes Mr. Seton's work, it is put before the public in a sufficiently attractive manner, being excellently printed and beautifully illustrated, while there are many more references to authorities and rather more attention given to specific dates than there are in the other book.

The present work is largely founded, as regards the principal lives of the family, on the memoirs of the Duffs, written about 1770 by William Baird of Auchmedden, but of course full advantage has been taken of much additional information which has come to light since his day. Passing over the first chapter which deals with the legendary history of the old Earls of Fife, the true story of the family commences with that David Duff who married Agnes Chalmers the heiress of Muldavit. His successor in that property six generations afterwards was John Duff, who got Muldavit from his elder brother in 1575, and married as his second wife Margaret, second daughter of John Gordon of Cairnburrow. By her he had eleven sons, one of whom was Adam, and about this Adam there has been much

controversy: if he can be proved to be identical with Adam Duff of Clunybeg, from whom the later Earls of Fife were undoubtedly descended, then the Earls can link themselves on to the Muldavit line and add some seven generations more to their pedigree.

The later Dr. Cramond in an article in the *Scotsman* 29th July, 1889, vehemently denied that the two Adams were the same. But the present authors show, principally from the Kirk Session records of Botriphnie, that Adam Duff in Ardrone, who was undoubtedly the son of Margaret Gordon, was really the same person as Adam Duff in Clunybeg. He was therefore tenant first of Ardrone and later of Clunybeg, but never seems to have been the actual proprietor of that place. His son Alexander of Keithmore was practically the founder of the fortunes of the family, though Clunybeg himself had been a man of great shrewdness and sagacity. His son, however, bettered his father's example, and was a keen, industrious, and painstaking man. It was he who is described in a ballad quoted in this book as peddling his farm produce and carrying 'a creel upon his back, made o' guid foreign segs,' and scoffers have said that it was on this account he was called 'Creelie Duff.' Even if he were, it is nothing to be ashamed of, but the authors point out another possible origin for the epithet. He was, it is said, a short stout man, and may have been called 'Croilie,' from the Scots word 'Croil' a dwarf. He married a lady even stouter than himself and equally managing. She is one of the many fat people who are credited with having inadvertently sat down on the cat with fatal results to the latter. Both he and she were pushing, prosperous, and jolly people. There is an admirable portrait of the lady looking the embodiment of good nature and one of Alexander himself in which he is represented as a rather slender man in a very large ruff and a pointed beard. Here certainly is no 'croile' or misshapen creature. Perhaps the artist of these portraits was an idealist, which the sculptor who executed their figures for the tombstones in Mortlach was not, as he has not flattered the appearance of the pair.

To them succeeded their eldest son, Alexander of Braco, who more than carried out the family's reputation for thrift and acquisitiveness. He was a buyer of land in a canny way, but on a pretty large scale. His remark is well known, when he saw a number of what would now be called 'small holdings' scattered throughout a wide valley near his home. 'I'll gar a' that reek,' he said, 'gae thro' ae lum yet,' and he did it.

The only thing he did not do, which he should have liked to have done, was to leave an heir male to his properties, so that the line of family had to be carried on by his next brother, William of Dipple. He also had all the family capacity for business, and had the immense practical advantage over most people in these days, that the longer he sat at his bottle the more cautious he got, so that while one might have got a tolerable bargain off him when sober, it was impossible to overreach him when in liquor. It was he who remarked to the Duchess of Gordon on her showing him the new great staircase at Gordon Castle, before the railings had been put up, that it was 'a good forenoon stair!'

The family was enobled in the next generation in the person of William Duff, who was created Lord Braco in 1735, and Earl Fife in 1759.

Beyond the fact that he had been a steady supporter of the Government, and had become an influential man in the County, there does not appear to have been any special reason why he should have been thus honoured. It was he who built Duff House, and like many people who build houses he had a violent quarrel with his architect, Robert Adam, which ended in a long and exasperating law suit. He had fourteen children, of whom by far the best was the youngest son Arthur, who seems to have been a general favourite and the friend and counsellor of all the family. The second son James succeeded as second Earl (not Baron as on p. 173) Fife, and occupied himself with politics more than any other of the family had done. He was made a Peer of Great Britain in 1790 under the title of Baron Fife or Baron of Fife, not Earl Fife as stated in the text, with remainder to the heirs male of his body. As, however, he left no issue this title became extinct at his death, and his Irish honours descended to his next brother, Alexander, who only enjoyed them two years. He was succeeded by his son James, a gallant soldier and an excellent landlord. He also had another Peerage conferred on him, having been created in 1827 Baron Fife in the Peerage of the United Kingdom (not of Great Britain). This too became extinct on his death without issue in 1857, and the Irish Peerage was inherited by his nephew, James Duff, in whose person still another peerage was created, he having been made Baron Skene of Skene in 1857. He died in 1879, and his funeral, as the authors rightly observe, was a most imposing ceremony, as the present writer can himself witness. His son, whose recent death was so universally lamented, was created Duke of Fife in 1885, and again, with a different remainder, in 1890.

The account of the line of Duffs which was ultimately nobilitated occupies only a portion of these volumes. Full details are given of all the cadet branches which can be traced, of whom the most important are perhaps Hatton, Fetteresso, Drummuir, and Orton. Quite a number of unattached families and individuals are also mentioned.

It is difficult to speak too highly of the industry and enthusiasm which have gone to the compilation of these volumes, and Scottish genealogists owe the authors a deep debt of gratitude. Of course there are faults, but none of a very serious nature. The arrangement, for instance, might have been better, especially with regard to the children of each family. They are generally put in the middle of the memoirs; once they are at the beginning and once they are relegated to a foot note in small type. One usually finds in books that are written by persons not conversant with ancient deeds that the transcription of Latin charters leaves much to be desired, and to this rule the present work is no exception. The charters given in the early pages appear to have been copied from some old and inaccurate inventory, and are full of mistakes. As most of them are in the printed volumes of the Great Seal Register, it would have been easy to have got them collated with that by some person familiar with such work. In the interesting chapter on the Heraldry of the Duffs it is stated that when Mr. Thomas Gordon Duff of Drummuir matriculated his arms in 1909 the stag's head in his fourth (Drummuir) quarter was 'by oversight' represented as cabossed instead of erased. But only two pages before a sketch of the

Drummuir arms as recorded in 1750 (not 1650 as stated below the illustration) shows the stag's head cabossed. No doubt it was used erased a hundred years earlier in the funeral escutcheon of Katherine Duff of Drummuir, but the authority of the Lyon Register was not unnaturally, indeed rightly, followed in the matriculation of 1909. The authors, too, seem to think that General Sir Beauchamp Duff who matriculated arms in 1908 has a mark of cadency too many in his coat. Though subsequent investigation may have shown this to be the case, the matriculation was quite correct in view of the information available at the time.

We have left little enough space to comment on what to many must be the most interesting features of this work, namely, the fine series of family portraits and other illustrations. They are all quite delightful, and the family have on the whole been most fortunate in their painters. The portraits from old Clunybeg downwards have an air of distinction which is partly no doubt owing to the costume, but is also due to the presence of a certain forceful character which appears in most of them. Who we wonder was the nameless 'Venetian artist' who painted the fine portrait of Alexander Duff of Keithmore, 'Creely'? What Italian painter was wandering about the North of Scotland in the seventeenth century painting obscure lairds and tenants? Whoever he was he has painted a most telling portrait, though we think it is doubtful whether Keithmore ever really wore a ruff, especially one of such noble dimensions: they were quite out of date by the time he was painted.

One of the quaintest portraits given is that of Major Hugh Duff of Muirtown, an antiquary and author of some note in his day, who is represented in all the glory of a new and enormous top hat, then first coming into fashion: in itself it is a hideous thing, but we should have been sorry had the Major been painted without it: it is the saving of the picture.

There are several Raeburns, all fine examples of that master, but if the older portraits are worthy of all distinction and praise that is not to say that the more modern ones are not also good. It would be difficult, we think, to find anywhere a more charming portrait than that of Mrs. Duff of Hatton by Hugh Riviere.

Another distinguishing feature of this book is the series of views of the mansions and residences belonging to various members of the family, which form appropriate headings to the chapters. They fit the happy mean between mere architectural elevations and pictures where the house is idealised and its identity sacrificed to considerations of artistic setting.

There is a good index, invaluable to a book of this kind.

J. Balfour Paul.

The Life of Charles, Third Earl Stanhope. Commenced by Ghita Stanhope; revised and completed by G. P. Gooch. Pp. vi, 286. With Six Illustrations. Demy 8vo. London: Longmans, Green & Co. 1914. 10s. net.

The atmosphere of suspicion and mistrust which surrounded the few men in England who were bold enough to profess liberal opinions during the reactionary years that followed the French Revolution would almost seem

to have accompanied them to their graves; for it is a singular fact that, though historians have delighted to make us familiar with the deeds, the characters and the writings of such shining characters as Pitt and Burke, the doings of their opponents have been consigned to an undeserved oblivion. This is especially true of Charles, third Earl Stanhope, probably the most outstanding of the advanced thinkers of his day: remarkable as his career was, it has found no chronicler until the appearance, a hundred years after his death, of the present volume, the joint work of his great-great-granddaughter, the late Miss Ghita Stanhope, and Mr. G. P. Gooch.

Perhaps it was because Stanhope, judged by the mental standards of his age, was so entirely abnormal that he found no sympathetic biographer. Even to the early nineteenth century he must have been an inexplicable problem: his standpoint is in many ways curiously modern, and only through twentieth century spectacles can it be appreciated. To his own age he was the Don Quixote of England—as such he is caricatured by Gilroy—a peer who was also a Jacobin, who corresponded with the French Revolution leaders, who believed in a Republic, who addressed his inferiors as 'citizen,' who championed the rights of man and inveighed against the slave trade, who had strange ideas about the National Debt, who believed he had invented a boat which could move without help of wind or sails and against the tide, and—most extraordinary of all—who went to bed with only a thin cotton nightcap on and slept with the windows open.

Miss Stanhope and Mr. Gooch have, for the first time, furnished us with a well-balanced and sympathetic account of this psychological enigma, and, in addition to throwing much light on the nooks and corners of the political world of his time, have revealed Stanhope in his true colours as a 'fearless reformer,' the kinsman and, in his early days, the comrade of Pitt, a worshipper at the shrine of liberty, the champion of the Nonconformists, the opponent with Wilberforce of the slave trade, the protagonist of sound finance and coinage reform, the lifelong sympathiser with the aspirations of Ireland, the constant advocate of the extension of the franchise and reorganisation of the electoral system. And that was only one side of his character: for in his days of retirement he devoted himself to mechanics and science, assisting in the development of canals, and being one of the earliest inventors of the steamboat. In character he was a proud, reserved, austere man, whose life was embittered by family quarrels. The last years of his life were most lonely—divergence of political views or incompatibility of character had estranged nearly all his former friends and connections.

The whole volume is fascinating and a valuable addition to the historical literature of the period, not only as an acute and penetrating study of a strange, wayward character, but because of its valuable accumulation of fresh facts, and especially because of the insight it gives into the conditions under which the men on the unpopular side lived and the obstacles they had to face, in a period at once one of the most brilliant and reactionary in English history.

W. D. Robieson.

Scots Peerage. Edited by Sir James Balfour Paul, C.V.O., LL.D. Vol. IX. Index. Pp. vi, 914. 8vo. Edinburgh: David Douglas. 1914. 25s. net.

Finis coronat opus. The ninth and concluding volume of this monumental work is before us, and our hearty congratulations must be given to Lyon King of Arms on the completion of his labours.

Some 150 or more pages are taken up with the inevitable addenda et corrigenda, which must come to light when a record on so large a scale is composed. Many of these, we observe, are supplied by Mr. J. Maitland Thomson, LL.D., whose scrupulous accuracy and critical acumen make him second to none among living Scottish genealogists.

The bulk of the volume, however, is devoted to a full and elaborate index, which was peculiarly essential owing to the manner in which *Scots Peerage* was compiled, that is to say, with hardly any cross-references. Indeed, without this help it would be impossible for a student to find what he might want in the body of the work.

This index is indeed a masterly performance, and reflects the greatest credit on its compiler, Mrs. Alexander Stuart; to quote from the editorial note, 'it contains a list of between forty and fifty thousand names, and each person is definitely described by the mention of his or her title, occupation, or relationship.'

Certainly the thanks of all historians and genealogists, small or great, are due to Sir James Balfour Paul and his able coadjutors; even if we were disposed to point out any shortcomings which we might consider to exist, the extremely modest tone adopted in his editorial note would make even the most captious of critics hold his peace.

Having read every article in the eight preceding tomes, we can confidently endorse his claim that it is 'an advance on what has gone before,' and we may add thereto that it must remain for the next hundred years, if not for all time, the standard work on the nobility of the northern kingdom.

Vicary Gibbs.

Kilcumein and Fort-Augustus. By Dom Odo Blundell, O.S.B., F.S.A. Scot. Pp. 72. With 8 Illustrations. Crown 8vo. Printed at the Abbey Press, Fort-Augustus. 1914. 2s. net.

This little book is full of interesting details, drawn from original sources, touching the political troubles in 1715 and 1745 as they affected the central Highlands. In its first phase it formed the subject of the author's address as retiring president of the Inverness Scientific and Literary Society, and he was certainly well-advised in issuing the study in permanent form.

As Kilcumein, the name of the district, lay on the chain of lakes in the Glen of Scotland now connected by the Caledonian Canal, and was midway between Inverness and Inverlochy, which had been converted into strongholds during the Cromwellian wars, it is supposed that a military station of some sort must have been made there at the same period for the convenience of troops passing from one to the other. But it was not till after the rebellion of 1715 that a regular fort was made at Kilcumein, to

which after its extension General Wade gave the name of Fort-Augustus in honour of Prince William Augustus, better known as Duke of Cumberland, a name of 'unenviable notoriety in the district,' as the author states, and outside it, too, as he might have added. The fort at Inverlochy had been rebuilt in 1690 by General Mackay, and renamed Fort-William, presumably in compliment to King William III.

Dom Blundell has been very successful in gathering new facts about the part played by Fort-Augustus in the famous Risings. It was here that the local clans laid down their arms and renounced the Stuart cause, and it was here that they gained the first of their remarkable successes against the Government troops. It was captured by Prince Charles Edward a few weeks before Culloden, and was in consequence the scene of the last of his triumphs. In addition to the military episodes, much useful information is given about road-making in that neighbourhood, which serves to increase the reputation of General Wade as the most renowned road-maker of his time. Fort-Augustus remained the property of the Crown till 1867, when it was sold to Lord Lovat. In 1876 it was handed over to the English congregation of Benedictine monks, who erected the present stately pile of buildings.

While testifying to the pleasure a perusal of the book has given, it is a pity, though perhaps beyond its scope, that the author was not more particular in elucidating the earliest form in which Kilcumein is found in original record. The name is explained as the church or cell of Cumein, a disciple and successor of St. Columba. The inference, of course, depends on the earliest authentic form of the word. If Kilwhinnin, the form used by Pennant, be the correct one, and he gives the neighbouring elevation the name of Seewhinnin in corroboration, then the name of another saint must be understood, that saint who has bequeathed his name to the abbey of Kilwinning in Cunningham and to several chapels in Galloway and Cumberland.

The book is furnished with several old plans of the fort from the War Office, which add much to its interest and value. The printing is a credit to the Abbey Press.

James Wilson.

The Age of Erasmus. Lectures delivered in the Universities of Oxford and London. By P. S. Allen, M.A., Fellow of Merton College, Oxford. Pp. 303. Demy 8vo. Oxford: Clarendon Press. 1914. 6s. net.

Not the least valuable part of Mr. Allen's fascinating lectures on *The Age of Erasmus*, as delivered in the Universities of Oxford and London, is his sympathetic appreciation of the spirit of the times about which he is writing, his acceptation of it as it was, whether for good or evil, his broad-minded tolerance of the weaknesses of both parties in that vindictive quarrel. What he is really concerned to show us is the difficulties with which the would-be scholar of that day had to contend. Truly they were giants in those days, else little would have been printed for our subsequent learning. The insuperable labours of copying counted as nothing, and the finer

spirits among them ran after the New-Knowledge as men in a desert after water. Among the keenest of these searchers after knowledge was Erasmus, who travelled over Western Europe in quest of Greek and in pursuit of ancient manuscript.

Much has been written on Erasmus, who especially, as revealed in the three thousand letters which have been so learnedly edited by Mr. Allen, is after all his own best commentator and biographer. Still those who have these things at heart can never tire of reading about that wonderful Re-birth of Letters, that fevered hunger and thirst for the New-Knowledge —of authors sacred and Profane—which set those great Fifteenth Century Scholars mentally and spiritually afire.

Mr. Allen's book answers admirably to its title. Its author is not concerned with that mental martyrdom which Erasmus, torn as he was between the contending camps of Christendom, and sympathizing with or disapproving of both in turn—must, we know, have suffered. Rather he gives us the dignified figure of the great Scholar standing out in commanding eminence against a confused background of clamouring Schoolmen, Scholars, Priests, Pedants, Prelates, and Potentates, all of whom he had in some way or other to satisfy or appease. Over the matter of his repudiation of the Letter against Pope Julius, our author passes lightly, observing that it is long since we expected every virtue from greatness. The writer is occupied more with the spirit of the time in which Erasmus flourished than with a study of the man himself. He emphasizes the ignorance, grossness and superstition of the age, the malice even against which the expositors of the new learning had to contend, and above all the difficulties which attended the pursuit of Greek. When in 1499 Erasmus visited Oxford, Greek was not taught there, and it was to London rather than to Oxford that he turned as the centre of Classic culture, and where on a later visit he met the 'five or six men who are thorough masters of both Latin and Greek.' His friendships with the great English men of that day, —Colet, More, Linacre, Grocyn, Fisher and others are referred to in the account of his studies in London, Oxford and Cambridge, at which last place, as is well known, he spent three years collating MSS. and working on his translation of the New Testament. Commenting on his wanderings to Paris and Italy, Mr. Allen points out the 'fluid nature' of University qualifications in that day, when a course of lectures taken in one University could be reckoned in another, and when a bachelor's degree taken in Paris, as by Erasmus—could be completed by a Doctorate conferred on him in Turin.

Particularly interesting in this chapter on the Universities is the account of the disputations held publicly and in Latin, but exhibiting in some of the subjects raised, the questioning spirit of the time. The points argued at Louvain 1488-1507 by Adrian of Utrecht, afterwards Pope Adrian VI., show the faint stirrings of revolt and the awakenings of moral and spiritual appeal even in a polished Professor of Theology. How much of this liberal mental attitude towards spiritual discipline survived Adrian's accession to the Papacy, does not concern us here, but the free exercise of a distinguished prelate's mind on these debatable questions contributes not a little to our understanding of 'The Age of Erasmus.'

In his chapter on *The Transalpine Renaissance* Mr. Allen makes clear the vast strides which the Northern and Western nations had made in intellectual culture, to the amazement of the Italian schools of learning, who had hitherto prided themselves upon their undisputed pre-eminence. In 1517 it was possible for a Bishop of Paris to bear witness that 'Italy has no one to compare with him in literary gifts, . . . with respect to the Italians . . . Erasmus eclipses every one, Transalpine and Cisalpine alike.' This is a fine testimony, and is not a little illuminating as to the cosmopolitan character of that scholarship of which Erasmus was to remain for centuries the most illustrious exponent. ALICE LAW.

NOTABLE ENGLISH TRIALS. THE TRIAL OF EUGENE ARAM. Edited by Eric R. Watson, LL.B., of the Inner Temple, Barrister-at-Law. Pp. xvi, 221, with 12 plates. 8vo. Edinburgh: William Hodge & Co. 1913. 5s. net.

DESPITE the many versions of the story already in existence, it has been left to Mr. Watson to dispel the clouds of romance surrounding the name of Eugene Aram, and to present us with an unbiassed account of the real facts, in which at times the flow of the narrative is checked by the quantity of detail and explanation introduced. That a man of culture should be a criminal is not unprecedented, but that a student of ancient languages and comparative philology should be guilty of a sordid murder is singular enough to justify the interest that has always centred round Eugene Aram. During the fourteen years that elapsed between the disappearance of Daniel Clark and the accidental discovery of his bones in 1758, Aram had led the life of a scholar, devoting himself to works requiring more patience and assiduity than usually accompany the criminal nature. He is remarkable as being the first to recognise the analogy between Celtic and other European languages, and the relation between philology and ethnology. His speech in his own defence, on the fallibility of circumstantial evidence, is a literary masterpiece, but it is erroneous to suppose that he spent years over its composition, in fear of ultimate apprehension. We commend the appendices, and the inclusion of the *Essay Towards a Lexicon*, containing his most important philological conclusions. The illustrations are excellent, but an index is lacking. J. G. HAMILTON-GRIERSON.

TRIAL OF MARY BLANDY. NOTABLE ENGLISH TRIALS. Edited by Wm. Roughead. 210 pp. 8vo. Edinburgh: Wm. Hodge & Co. 1914. 5s. net.

MR. ROUGHEAD has an inimitable way of narrating a *cause célèbre* which no one else seems able to attain to. In this account of a once famous trial for murder he is at his best, and he makes this tragedy of long ago, which impressed both Horace Walpole and Mrs. Carter, very interesting and instructive. Shortly told, the story is this. Miss Blandy, the daughter of a solicitor, who lived in a rich way at Henley, inspired by her (married) lover, the Hon. William Cranstoun, administered to her father white arsenic, supplied to her by Cranstoun, so that he died on the 14th August, 1751. Her defence was that she thought the powder was a philtre to make her father 'kinder' both to herself and her lover, but, tried at Oxford, she

was held to be guilty of murder and hanged. The editor has collected a great deal of valuable contemporary information on the murder and its perpetrators, the escape of the wretched Cranstoun and his ultimate fate, and has enriched his book with many rare portraits of the unfortunate Miss Blandy both in mundane and prison garb. A note on page 151 deserves correction. Lady Mary Hamilton was sister to Lady Cranstoun and the Countess of Home, all daughters of William, second Marquis of Lothian.

A. Francis Steuart.

The Ames Foundation Year Books of Richard II. 12 Richard II., A.D. 1388-1389. Edited by George F. Deiser. Pp. xxxi, 239. With four illustrations. 4to. Cambridge (U.S.A.): Harvard University Press ; London : Humphrey Milford, Oxford University Press. 1914. 21s. net.

How much of solidarity there is in the historical study of law is pleasantly evinced by the American editing of this volume, the first year book of Richard II. to be brought out except in second hand segments. Many year books of Edward I., Edward II., and Edward III. have been printed, and the series for the reigns subsequent to Richard II. has long been available in black letter editions. Those of Richard II. hitherto omitted entirely are now taken in hand under the American foundation, instituted in 1910, for the advancement of legal knowledge and in honour of the late James Barr Ames of Harvard.

The opening volume is edited by Mr. Deiser, a member of the Philadelphia bar, who has made extensive research into the MS. sources in England, and whose Introduction, a little breezy in style, displays an excellent working knowledge of the whole field of the year books. He does not commit himself to an opinion on the debate, still unsettled, whether these reports of decisions were official or not, but his remarks prove his knowledge of the entire problem. No fewer than twenty-two MSS. are available for the whole reign, nine of which are applicable to 12 Richard II., and have been used by Mr. Deiser.

There are always from time to time discoveries of fresh versions for the number of copies made must have been large. (Lately the present reviewer disembowelling the covers of a very early print of Virgil found pasted in —along with printed scraps of a grammar, with preface by Erasmus—two leaves of parchment evidently part of a late thirteenth-century year book, probably between 21 and 23 Edward I.)

The model followed by Mr. Deiser is not that set by Mr. Pike in the Rolls Series, but that of Professor Maitland and Mr. Turner in the Selden Society publications, with a translation *en regard*. Adequate tables of the rubrics and indexes of cases, matters, and names are also furnished. Judgments of interest concern, for example, the effect of charter of pardon, deodand where a tin mine fell in, an attempt to interfere with a jury, and the concurrence of claims of villenage with enforcement of contract of service.

America shares with England the inheritance of English law, and American legal scholars are with high credit sharing also the great task of ascertaining the ancestral record.

Geo. Neilson.

THE HERMITS AND ANCHORITES OF ENGLAND. By Rotha Mary Clay. Pp. xx., 272. With many Illustrations. Demy 8vo. London: Methuen & Co. 1914. 7s. 6d. net.

IN a necessarily brief review like the present one, no adequate justice can be done to a work in which Miss Clay, with marvellous industry and exceptional ability has presented to us the story of the Hermits and Anchorites of England and Wales from the earliest times till the period of the Reformation.

To a self-indulgent age like the present, the vocation of a hermit seems little short of what Christianity was to the Greeks; such a one was a fool for his pains. But, as is universally recognized, serious illnesses of the Body, whether Social or Politic, call for exceptional remedies, and this was the justification of the 'Ancren Riwle.' In the dark and rude ages in which most of the Hermits of whom Miss Clay gives us such fascinating accounts, withdrew from the world, their example served as a noble appeal to leave the temptations of the senses, and rise above the grosser appetites of the flesh to a sphere where only the cravings of the spirit were satisfied. It is of course open to remark that the Hermit was in a sense the 'eccentric' of his day, that he was occasionally supported by the alms of the pious,—that is, when they could be near enough to minister,—it is furthermore true that they did not abandon a standard of comfort such as we enjoy to-day, and that the inconveniences which appear so appalling to us would not have been particularly distressing to the men of the early middle-ages. It may also be suggested—by way of similar Devil's Advocacy,—that in the secluded life a man escaped from the hurly-burly, he could avoid work, avoid contact with his fellows, and indulge his mania for eccentricity in any way he pleased.

Yet the most sinister-minded critic will admit that a man does not subject himself to cold, nakedness, hunger and probable martyrdom from mere eccentricity, and indeed the life and labours of such men as St. Cuthbert, St. Bartholomew of Farne, and St. Werston of Malvern, bear witness to the contrary. And, with regard to the suggestion that such recluses escaped the ordinary duties of life, it should be remembered how closely all anchorites were immured, and how sacredly bound to the Rule of their neighbouring Bishop. We may be sure that unless they had been subject to authority, such breakings away from the Church would never have been suffered by Medieval Ecclesiasticism. More than this, many monasteries owed their origin to a cluster of hermit cells, notably the abbeys of Crowland, Malvern and Selby.

It is difficult altogether to deny a certain element of egoism in this choice of an isolated life, for, as Miss Clay tells us in her admirable Introductory Chapter, the life of religious dedication was in these times regarded as that nearest perfection. But apart from its spiritual aspect the life of such hermits frequently had an economic and even social value for the community at large. They were patient scholars who 'sent forth from their cells books of devotion, historical works, poetry and at least one valuable dictionary.' The Hermit, who was able to mix with his fellows, served the community in prayer and preaching, collected alms, or helped to clear

the forest; he often made roads and bridges, or attended to ferries where people needed a convenient passage over some lonely river. In many of these useful ways the Hermit undoubtedly served his generation.

Miss Clay's book is amply illustrated with many photographs of ancient hermitages and saints, and closes with an invaluable Appendix giving a list of all the known hermitages in the order of their county.

ALICE LAW.

THE POWER OF IDEALS IN AMERICAN HISTORY. By Ephraim Douglass Adams, Professor of History, Leland Stanford University. (Dodge Foundation Lectures in Citizenship in the University of Yale.) Pp. xiii, 159. Crown 8vo. New Haven: Yale University Press. London: Humphrey Milford, Oxford University Press. 1913. 5s. net.

THE Marxist theory that all historical movements and all political changes are the result of the interplay of economic interests alone has found many disciples among American scholars. Such writers assert, for example, that in the Civil War of 1860-65 opposition to slavery on ethical grounds went for nought. The real fundamental questions at issue were the inefficiency of slave as compared with free labour, and the relative economic merits of a loose confederacy and a unified state. Professor Adams in these lectures breaks a lance with the materialist historians. He holds, without neglecting economic conditions, that certain ideals—notably nationality and liberty (in the form of an anti-slavery agitation)—were the driving power behind the Federalist movement, and that these ideals triumphed even against the direct economic interest of the capitalist cotton planters of New England. The first evidences of American nationality Dr. Adams finds in the patriotic fervour evoked by the war of 1812 with England. The enunciation of the Monroe doctrine in 1823 was 'a notice served upon the world that we had become a nation,' and further tangible evidence is afforded by the adoption of a protective system. The secession problem finally crystallised the nationalist sentiment.

Dr. Adams supports his arguments by references to contemporary manifestations of popular feeling and illustrations from writers of the time. In the main he seems to prove his point, though, like most historians with a keen interest in literature, he is inclined to do less than justice to the economic side of the question. Of five lectures in the volume the discussion of nationality and anti-slavery occupies the two most important. The third deals with Manifest Destiny—An Emotion, and shows how the American people believed their destiny to be first to establish and expand democracy, and second to increase national power by territorial acquisition. The concluding lectures discuss the power of religion as a means of serving humanity, and the American conception of democracy, which took at one time the exaggerated form of a belief in an impossible vision, and is now coming to be regarded more truly and sanely as a constantly progressive movement towards betterment. Professor Adams's work is thoughtful, inspiring, and full of a lively hope in the future of his country.

English Historical Literature in the Fifteenth Century. By Charles Lethbridge Kingsford. With an Appendix of Chronicles and Historical Pieces hitherto for the most part unprinted. Pp. xvi, 429. Demy 8vo. Oxford : Clarendon Press. 1913. 15s. net.

We have reached a period when history, though not grown garrulous, has become autobiographical. We are now having histories of the historians, far beyond the restricted scope of the series on the Early Chroniclers of Europe which appeared some thirty years ago. Mr Gooch's *History and Historians* and M. Fueter's *Historiographie Moderne* are symptomatic of the current historiographic introspection. Mr. Kingsford carries the process into specialism : the chroniclers are to be sorted into centuries and analysed accordingly : and the analysis is assisted by new texts of more unprinted chronicles. A reviewer's problem is to determine whether there is more call to estimate the estimates of the old chronicles or to scrutinise the new 'historical pieces' which in 120 pages of text form splendid appendix to the critical estimate of the whole range of fifteenth century history. We could have been happy with either ; we are yet more delighted to have both.

The real medieval student will instinctively prefer the textual supplement, because it is so much recovered contemporary testimony, and as such more lastingly serviceable for study than mere criticism can ever be. True they are minor light these bits of southern chronicle, northern chronicle, London chronicle, Brut continuations, monastic annals from Sherborne, Waltham, Gloucester, and Tewkesbury, and notanda of Yorkist partizans, but it is often light in dark places, and dispels many uncertainties. In this book, as in a previous collection by Mr. Flenley (*S.H.R.* ix, 196), we may test the measure of value and novelty by the Scottish references, *e.g.* Henry IV.'s invasion in 1400, Henry Percy's mission to Scotland in 1414, and Douglas's mission to England in 1420 (afterwards denounced as 'perjury'), the siege of Roxburgh by James I. in 1436, the fighting the Scots did in France, and the presence of the Earl of Douglas and of Snowdon Herald of Scotland, at Edward IV.'s Court in 1472. Such items of the annals give Mr. Kingsford's appendix rank among sources requiring consultation for Scottish history. In his study of the interrelations of chronicle from Walsingham to Capgrave down to Polydore Vergil, and particularly in his tracking of the manifold shapes and influences of the Brut and its continuations, Mr. Kingsford renders invaluable services by elucidating the mode in which chronicle developed into history and history into literature till Spenser and Shakespeare may sometimes be read as the flower not only of poetical but also in some degree of historical performance. It is at least time, as Mr. Kingsford says, that the tracing of Shakespeare's material to its ultimate original is 'a proper conclusion to the study of English historical literature in the fifteenth century.' Literature and history have this in common that the knowledge of their sources is for both an indispensable of sound criticism. In history, however, it is the foremost consideration in determining credibility and authority.

Had space allowed, Mr. Kingsford might have been exhibited as tracing the pedigree of the 'Brut' back from English into its Latin and French forms, and thence through the London chronicles to its remoter ancestry,

and then forward into the main stem of the English histories which Spenser and Shakespeare, as well as Stowe, Holinshed and Bacon, read. A later example might have been taken in Edward Hall, whose authorities, bias, and gorgeous touch of rhetoric, but essential fidelity and historical importance, are all adequately appreciated. Excellent also is the chapter on poetry and ballads, wherein is set forth the capacity of political verse for pungent if partizan historical narration, strong in satire and innuendo. The day is past when it was necessary to regard a historical voucher as only secondary because it was in rhyme. Professor Firth has led the way in demonstrations of how much of contemporary fact can be accurately recorded in even a third-class song. Mr. Kingsford sees such literary sources with the same sympathy. The literary aspect determined the scope of his enquiry, for a principal purpose of his book was to trace the literary development in the writing of history. That purpose he has effectually attained.

Annual Report of the American Historical Association for the Year 1911. In Two Volumes. Vol. II. The Correspondence of Robert Toombs, Alexander H. Stephens, and Howell Cobb. Edited by Ulrich B. Phillips. Pp. 759. Royal 8vo. Washington. 1913.

Professor Philips introduces this collection of the letters of three lawyers of the southern states (who all held office in Confederate government) with a brief preface and biographical chronology. Toombs, born 1810, died 1885, was Secretary of State. Stephens, born 1812, died 1883, was Vice-President. Cobb, born 1815, died 1868, had been Secretary of the U.S. Treasury before the civil war, and in 1861 he became President of the Confederate Congress. Toombs and Cobb both became generals in the Confederate Army. The correspondence of the three with one another, and with many people besides, has long been recognised as an important source of intimate information proceeding from the very centre of the secession side in the great struggle, and a great many of their letters, speeches, and papers have been printed and are already part of the political history of the United States. Over 600 pieces are contained in the present extensive volume, which without doubt must take its place as an indispensable body of current commentary at every stage of the conflict, and of the subsequent controversies and discussions on reconstruction. The editorial function seems to be in every way capably and faithfully performed, and the index is full and careful.

Only a specialist reader can adequately appreciate the detailed contribution to history which such a body of letters constitutes. They reflect equally the exuberance of feeling over 'the glorious news of a Southern Confederacy' when that was proclaimed in 1861, and the steady spirit with which, after a 'sea of blood,' the defeated South met the ultimate overthrow and faced the conditions it involved. Standpoints and outlook are prevailingly local and circumscribed, although, for instance, on the slave question and the fifteenth amendment they gain by their southern intensity what they lack in breadth. In one very interesting letter Cobb earnestly urges upon W. H. Seward the baselessness of the charge against Jefferson Davis of complicity in the assassination of Lincoln.

Travel and Description (1765-1865). By Solon Justus Buck. (Collections of the Illinois State Historical Library, Bibliographical Series, Vol. II.) Pp. xii, 514. With Six Illustrations. Demy 8vo. Published by the Trustees of the Illinois State Historical Library, Springfield, Illinois. 1914.

This volume contains the first portion of bibliographical data collected by Mr. Buck, one of a group of teachers and students of the University of Illinois who have undertaken an exhaustive historical survey of the State of Illinois. In the first part of the book the author has tabulated and arranged in chronological order the full titles of all books or pamphlets containing accounts of travel in or descriptions of the State of Illinois from its occupation by the English in 1765 down to the close of the year 1865. Under each title is appended a note of the value and contents of the book. From the English point of view the period from 1765 to the establishment in 1790 of territorial government is of prime interest, owing to the number of English travellers, missionaries, and soldiers who have left on record their impressions of the semi-civilised lands between the Ohio and the Mississippi. The English settlement in Edwards County, established by Morris Birkbeck and Edward Flower, has an interest and a literature all its own. The latter part of the volume is of local interest, consisting of a list of county histories of the State and a table of the various collections extant of territorial and State laws from 1788-1913. There is a full index.

The Clan Campbell. Abstracts of Entries relating to Campbells in the Sheriff Court Books of Perthshire and in the Particular Register of Hornings and Inhibitions for that County. Prepared and Edited by the Rev. Henry Paton. Pp. viii, 170. 4to. Edinburgh : Otto Schulze & Co. 1914. 15s. net.

A first volume of Campbell collections from Argyllshire courts, noticed last year (*S.H.R.* xi, 111), is promptly followed by a second volume containing materials from Perthshire. The inventory now presented, excerpts and indexes fully 800 entries, which will facilitate the roll call of Campbells hereafter at whatever bar or bars they may be called to answer for their debts and doings. Mr. Paton's methodical diligence and his accuracy in names and places are characteristics once more in evidence. And the Campbells are still coming—lairds and tenants, creditors, debtors, rebels, horners and horned.

Memoirs as a Source of English History. By L. Rice-Oxley. 8vo. Pp. 54. Oxford: B. H. Blackwell. 2s. 6d. net.

Our readers will recall Professor Firth's bright and comprehensive survey of the memoir as historical material with special reference to the seventeenth century (*S.H.R.* x. 329). Doubtless, it is a pupil of his who in this Stanhope Essay of 1914 resumes and continues the critical examination, offering fresh illustrations of the special value of such contributions, which, though often controlled by some one-sided motive and therefore, as the essayist well phrases it, 'dangerously flavoured,' contain an extensive body of invaluably intimate and important observations both of opinion and of

fact. Of course, the great exemplars are Evelyn and Pepys. A recent reperusal has predisposed the present critic to estimate more highly the quality (*i.e.* to reduce the percentage of accepted inferiority) of the former as compared with the latter. The vivacity and psychological unreserve of the latter put him in a place of his own as absolute as that of Montaigne among the essayists, yet the former, in spite of his rather priggish self-consciousness, was well worthy of that compliment of 'compleat mourning' and that place at the pall of Pepys's funeral from which only his own illness hindered him. Together these two mark the summit of achievement in the memoir, written without axe to grind, except perhaps that the graver man—probably not the less vain of the pair—had more of an eye to a solemn record of his own importance to his age.

Mr. Rice-Oxley properly holds that the memoir is at its best an indirect register of contemporary social manners and customs, 'the spirit of life' preserving itself better there than in the page of formal and 'elegant' history. (The essay is so well written that a lapse in grammar in the second sentence of page 9 should be corrected.) As a complementary epilogue to Professor Firth's lecture the little book combines sound appreciations of the literary equally with the historical service rendered by the diarists. This notice may fitly close with a hint to professors of history in Scotland that there is not only room but an obvious need for parallel treatment of analogous Scottish diaries and 'historical observes.' There is in the subject enough alike in matter, character, and style to stimulate and reward a first-class study.

GEO. NEILSON.

THE ENGLISH COLLEGES AND CONVENTS IN THE CATHOLIC LOW COUNTRIES, 1558-1795. By the Rev. Peter Guilday. Pp. liv, 480. Demy 8vo. London : Longmans, Green & Co. 1914. 12s. 6d. net.

THE author of this well written book desires to place before us the history of these colleges, convents, monasteries and seminaries which were founded in the low countries by those Catholics who exiled themselves, from the time of Queen Elizabeth for the sake of their faith, and by their foundations kept the Catholic ideal bright in the minds of their sons and daughters. He points out the chief difference between the Huguenot exiles and these equally heroic Catholics. The former were usually workers, and their inclusion in the country of their adoption had definite economic results, many very beneficial to it. The Catholic exile, on the other hand, generally belonged to the lettered or more noble class, and except by his religious foundations, left very little trace in the country in which he settled for conscience' sake. They left, however, as this book shows, a wonderful chain of Colleges, and this at a time when Catholics (as such) could look for no religious teaching whatever in their own country. Most of these colleges were swept away by the French Revolution, but their representatives in many cases exist in England, and have carried their traditions with them.

The chapter on the Foundation movement in general is especially interesting, showing how Elizabeth's anti-Catholic laws forced the stricter Catholics to leave their native land. As the author puts it, 'It was con-

formity or Exile, therefore, which faced the Catholics in 1559-60; and the Exile-movement towards the Continent, which began shortly after April, 1559, continued without interruption down to the French Revolution two centuries and a half later.' We wish we had space to mention the difficulties the exiles had to contend with—the political situation always against them, general poverty and irregular supplies, the difficulties with Rome, the Jesuit and Secular quarrel, and the Archpriest controversy. In spite of all these troubles they laboured on for their brethren at home, and founded (with many rebuffs and injustices, as the story of Mary Ward well shows) college after college and convents and schools whither their co-religionists could come. The name of Douay, 'Madre et nutrice di altri Collegi,' has perhaps eclipsed that of the other foundations mentioned in this book, but the history of all and the self-sacrifice of the founders of each is very interesting and instructive to read of in this welcome historical narrative.

A. Francis Steuart.

History of the Berwickshire Naturalists' Club. Vol. XXI. Part ii. 1911. Vol. XXII. Part i. 1912. Demy 8vo.

These transactions of the naturalists and antiquaries of Berwickshire show commendable variety and power in the archaeological field of the Club's work. Such contributions as appear in these two parts would do credit to any learned body devoted to history. A presidential address by the Rev. J. F. Leishman chiefly concerns medieval bells on the eastern Border, and gives inscriptions as well as descriptive facts. Mr. Leishman also writes on the capture of Ker of Graden after Culloden, a paper which we may reckon as a postscript to his article in our columns in 1908 (*S.H.R.* v. 180). Mr. J. C. Hodgson gives a most serviceable account of a Warden Court, well worth taking as a modern supplement to the *Leges Marchiarum* of Bishop Nicolson. He also contributes a paper well fortified with transcriptions upon the manor of Beal, Northumberland, bringing out clearly the dangers attendant upon land tenure in the East Marches before the Union. The pedigrees of the Forster, Ord and Selby owners of the manor are well worked out. On somewhat similar lines, but with a better stock of extracts from records made available, Mr. Hodgson traces the story of the manor of Barmoor and the descent of its Muschamp owners. Dr. Thomas Hodgkin became President in 1912, and took for the subject of his address the history of Berwick from its beginnings down to 1461. Mr. Richard Welford has found a congenial theme in *James Ellis, a Poetical Attorney* (1763-1830), who in 1815 dedicated a collection of 'Poetry, Original and Fugitive,' to Sir Walter Scott. It is a mistake, however, in even a sketch biography of a minor poet, not to give so much as one specimen quotation of his verse. Mr. William Maddan groups some local references to the East Marches made in the Chronicle of Lanercost as translated by Sir Herbert Maxwell. He comments on various matters, including the problem of the knighthood of Wallace. In another paper Mr. Maddan discusses the early municipal history of Berwick. Commander Norman shortly, but with abundant sympathy, sketches the career of Dr.

Hodgkin, whose interest latterly centered on Border themes, and whose last letters to Commander Norman concerned the battle of Halidon Hill. Dr. Hodgkin was succeeded as President of the Club by Mr. James Curle, who, in 1913, gave an address on the Roman occupation, especially in relation to the line of Dere Street from Corbridge (Corstopitum) to Newstead. At the intersection point of the Stanegate and the great north road of Dere Street, Corstopitum 'linked up the garrisons of the north with the important legionary fortress of York.' As one might expect, Mr. Curle lays emphasis on the personal relics from the rubbish pits both of Corstopitum and Newstead, and he pieces together a couple of most informing paragraphs, gathering up with evident, however latent, enthusiasm the material for a picture of the cohorts as, in column headed by trumpeter and standard-bearer, they marched like 'the men at arms depicted on the Trojan column.'

Pageant of the Birth, Life, and Death of Richard Beauchamp, Earl of Warwick, K.G., 1389-1439. Edited by Viscount Dillon and W. H. St. John Hope. Pp. x, 109. With 55 Plates and 5 other Illustrations. 4to. London: Longmans, Green & Co. 1914. 21s. net.

This is a most enchanting volume. It contains fifty-three beautiful scenes sketched almost contemporaneously from the life of a great *seigneur* of the early half of the fifteenth century. Who the artist was is by no means sure, but the present editors think, from his familiarity with the minutiae of the English blazons, he may (contrary to Sir E. Maunde Thompson's opinion) have been of English origin. The sketches have a charm of their own, and bring the life of this great Lord Warwick vividly before us in a beautiful manner. We see his birth, baptism, tournaments, the coronations and Royal marriages he attended. His voyagings (here the artist gives rein to imagination), how he was 'worthily received' at Calais, and 'saw Hierusalem too.' There are two genealogies, and the book is perfectly edited, telling us all we need to know of its subject, and giving plates of Warwick's fine tomb and other extra details of what his family caused to be wrought to preserve his pleasant memory.

Surveys of History, Greek, Roman, English, French, Biblical, etc., with Intervening Periods. By C. H. Russell, M.A., Assistant Master at Clifton College. Pp. 45, 4to. London: G. Bell & Sons, Ltd. 1914. 4s. 6d.

The object of these surveys is to show the continuity of history, but the necessarily condensed nature of the work leads to the omission of much that would illustrate the historical nexus of events. Mr. Russell's book will probably be of more use to the student who desires to refresh his memory on the eve of examination, than to the general reader of history; as a work of reference, its merits are undoubted. Concise notes on the art, literature and society of the various periods, and a comprehensive table of parallel dates, ranging from 2000 B.C., to 1902 A.D., add to the value of this serviceable handbook.

A History of Penal Methods, Criminals, Witches, Lunatics. By George Ives, M.A. Pp. xi, 409. Demy 8vo. London: Stanley Paul & Co. 1914. 10s. 6d. net.

The historical part of this work is what alone concerns us. However much we may be interested in the more modern system of penal methods—the futility of the crank, the horrors of the silent cell and the borstal system (about the last the wonderfully well-read author is strangely silent)—our interests have little in touch with the objects of this review. We concentrate therefore on the historical portion. This we have examined with great interest and care. The reading which furnished the facts contained in this volume is immense, and the references a course of history in themselves. The author shows the personal nature of the old punishment of crime and the punitive methods which change with each age. There is a chapter on the extinct crime of witchcraft and the awful witch burnings (these are assessed in Britain alone at 30,000 and on the Continent at 200,000 victims), and he gives a complete history of the wretched treatment of the insane before the Lunacy Laws, as well as a very excellent though terrible account of the punishment by transportation. This is a work of untold labour, painful to read, but which, as it is the work of a thinker and a historian who knows his subject, ought to be widely known and read.

On the Left of a Throne. A personal study of James, Duke of Monmouth. By Mrs. Evan Nepean. Pp. xxx, 246. With 32 Illustrations. Demy 8vo. London: John Lane. 1914. 10s. 6d net.

The title of this book mentions that it contains 'thirty-six illustrations,' and very beautiful they are. They are the most important part of the book and the portion most useful to future historians. The volume is a study or rhapsody on James, Duke of Monmouth, written (like Pomona's novel) in 'novel language.' The writer says she owes much to Mr. Allan Fea. She has been assisted by 'Miss Marjorie Bowen'—not as far as we know a writer of dry-as-dust history—and many other such friends, and she writes well in the romantic style herself. But the book is not serious history, and it may best be read as an historical novel. We are treated here to a heroic Monmouth (his mother's 'marriage lines' existed till quite lately *pace* that veracious genealogist Sir Bernard Burke). His wife, the excellent Duchess-Countess of Buccleuch, is made a comic princess at the expense of his mistress, Henrietta, Lady Wentworth. In fact, it is a study of a very romantic sort. The illustrations, however, are excellent.

The Fundamental Unity of India (from Hindu sources). By Radha Kumud Mookerji, M.A. With an Introduction by J. Ramsay Macdonald, M.P. Pp. xx, 140. With one Map. Crown 8vo. London: Longmans, Green & Co. 1914. 3s. 6d. net.

This book is written to contradict the prevalent idea that India is 'a mere geographical expression, a mere collection of separate peoples . . . existing side by side but with no sense of nationhood in common.' The writer does so by quoting Vedic Texts, the Rāmāyana, the Māhābhārata, the Puranas and the Early Buddhist literature.

Studies in Ancient Hindu Polity. Vol. I. By Narendra Nalli Law, M.A., B.L. Pp. xlv, 203. Crown 8vo. London: Longmans, Green & Co. 1914. 3s. 6d. net.

The author founds this well written treatise on the Arthāsâstra of Kautilya, who was associated with the Emperor Chandra Gupta Maurya, and whose writings apparently supplied Megasthenes with his information on India. It gives a complete system of polity and deals with most parts of Indian life from the law of contract to the keeping of elephants.

The Diary of Adam Tas. (1705-1706.) Edited by Leo Fouché, B.A. Pp. xlvii, 367, with 2 Maps. Demy 8vo. London: Longmans, Green & Co. 1914. 12s. net.

The diary of this early settler in Stellenbosch, well translated by Mr. A. C. Paterson, is a desirable addition to sources of South African history. Adam Tas has acquired posthumous fame by his successful opposition to the tyrannical governor, Willem Adriaan Van der Stel (it is to be noted that the latter was grandson of a 'coloured woman'), whose extortions drove the 'boors or farmers' to revolt, and so 'laid the foundations,' says the editor in his excellent account of the episode, 'of our political consciousness.' It is interesting to read this diary of the early patriarchal life in South Africa, and to learn about the daily doings of the Dutch and French colonists.

Alfred in the Chroniclers. Second Edition. By Edward Conybeare, M.A. Pp. xi, 272. Demy 8vo. Cambridge: W. Heffer & Sons, Ltd. 1914. 4s. 6d. net.

We welcome the second edition of this excellent work, which is now published with a few improvements on the original. The author thinks it 'just possible' that Cambridge University may be indirectly descended from Alfred's College of priests at Ely, but he cannot concede a similar claim to Oxford.

Souvenirs de la Campagne de France. Manuscrit de 1814. Par Baron Fain, avec une Préface par G. Lenotre. Pp. xviii, 258. With several Illustrations. Crown 8vo. Paris: Librairie académique, Perrin et Cie. 1914. 3 fr. 50.

This new edition of the Souvenirs of Baron Fain, *premier secrétaire du Cabinet de l'Empereur*, is excellently edited (as only the French can edit historical works) and illustrated, and M. G. Lenotre decorates it with a short preface, in which (from another work of Baron Fain) he enables us to reconstruct Napoleon's Court and State during the Campaign of sixty days, which ended in the abdication at Fontainbleau.

The Scottish Flags, by C. Cleland Harvey, reprinted, with additions, notes, references, and illustrations from Provand's Lordship Heraldic Booklet, and published (post 8vo, 49 pp. 1s. net.) by the Glasgow St. Andrew Society, announces itself, in a preface dated June, 1914, as the first of a series on Scottish subjects proposed to be issued under the auspices of that society.

It consists of three chapters—on St. Andrew's Banner, the Scottish

Royal Arms, and the National Flag—and the primary object of the compiler, namely, to demonstrate that the National Banner consists of the St. Andrew's Cross and not the Royal Lion, he has abundantly accomplished. His statement of the case is both full and fair, and, in all things essential to the discussion, accurate. There are things in the work which elsewhere we might be inclined to criticise, but the booklet, with its notes and references to sources and authorities, contains nevertheless a valuable collection of the historical facts on which the main question which its author treats of must be decided.

Mr. Harvey devotes some paragraphs to a refutation of the sorry stuff on the subject which was issued some little time ago by the Scottish Patriotic (save the mark in such a context !) Association. These lead us to express what we have always thought, namely, that whoever will set himself to trace to its source the rapidly extending practice of the making and selling of the King's Scottish flag for general use will do a service to the cause of public decency. He will probably be able to establish the fact without very much trouble that the custom, which originates within the memory of persons still alive, began with the speculative manufacture of the flag by English flagmakers, who, if they knew or cared whether they erred or not, still rightly gauged the vulgar preference for what is bright to what is right.

In Professor W. P. Ker's paper on *Jón Arason* (Icelander poet-bishop, born 1484, beheaded 1550) we have a study of the old Norse spirit coming out in the rather incongruous conditions of the Reformation. It is an eminently secular and political biography sympathetically and sometimes caustically interpreted for the Viking Club. The island clearly had the bishop it deserved, and Arason's position as a martyr is equivocal. But so was the Reformation itself—Professor Ker shows—in Iceland.

Argyllshire and Buteshire, by Peter Macnair (8vo, pp. x, 161 ; Cambridge : University Press, 1914, 1s. 6d net), is an addition to the county geographies, strong in the description of natural features, especially on the geological side. Ice erosion—now under serious question—is accepted as the explanation of the rock basins of the indented coast. The historical sections show less grasp than the descriptive and scientific, but the book is wholly creditable and well informed, and its illustrations excellent and abundant.

The history of feudalism (*A Short History of Feudalism in Scotland, with a Criticism of the Law of Casualties*. By Hugh B. King. Pp. xxvii, 242. Cr. 8vo. Edinburgh and Glasgow : Wm. Hodge & Co. 1914. 3s. 6d. net) admits of very variant interpretations, and some judgments within the last few years regarding the determination of casualties certainly call for serious question of their soundness. Mr. King appears to argue for a legislative restoration of practice current before 1874. Whether the vested interests are not too strong to the contrary, and public interest too languid, remains to be seen, but the subject was worth ventilating.

To the series of English History Source Books is now added (1) *The Normans in England*, 1066-1154, compiled by A. E. Bland (8vo, pp. viii, 118; London : G. Bell & Sons, 1s. net). This shows capital use of the Rolls

Series for the representative texts it translates in sequence. There is also added to the series (2) *York and Lancaster*, 1399-1485, compiled by W. Garmon Jones (pp. viii, 120; London: same publishers and price). Containing no fewer than eighty-seven extracts from contemporary material, this volume, by its variety and special choice of passages from the less known memoirs and state papers, as well as from the leading chronicles, shows exceptional skill in method and selection.

The Influence of English Poetry upon the Romantic Revival on the Continent (from Proceedings of British Academy. Vol. VI. Pp. 18. 8vo. London: Humphrey Milford. 1914. 1s. net) is Professor C. Vaughan's Warton Lecture on English Poetry. The French and German revival of the romantic influences lay between 1750 and 1780, and Professor Vaughan traces major effects (1) of Macpherson's *Ossian* and Percy's *Reliques* in poetry, (2) of Richardson and Sterne (excluding Fielding) in the novels, and (3) of the discovery of Shakespeare as a revolution in the stagecraft of tragedy.

An important contribution to the proceedings of the British Academy, now issued separately, is *The Rose of the Winds: The Origin and Development of the Compass-Card*, by Silvanus P. Thompson (cr. 8vo, pp. 31, illustrations and coloured plates; London: Humphrey Milford, 4s. net). After a short sketch of the history of the compass, Professor Thompson assigns to about 1302 the introduction of the pivoted needle on a light card painted with 'wind-roses,' marked with initials of the names of the various winds in Latin or Italian forms. The fleur-de-lis mark for the north used in modern compasses goes back to the end of the fifteenth century, and the author looks favourably upon the theory of a German investigator, Herr A. Shück, that it represents the primitive floating compass—a lancet needle supported between two wooden floats. The whole subject is of extreme interest, and Professor Thompson's attractive and learned essay is a compendium of curious fact lucidly explained, but with mysteries inviting still further discovery.

The Story of Pet Marjorie, with portraits, numerous illustrations, and complete diaries. By Lachlan Macbean. Pp. 129. Cr. 8vo. Fourth Edition. Stirling: Eneas Mackay. 1914. 2s. 6d. net. The dear child is always worthy of yet another telling of her story that lets herself tell it also.

The *Report of the Council* of the National Library of Wales, 1910-1913 (Aberystwyth, 1913) calls for notice here only on account of the scheme it outlines for a collection in the library of documents and prints bearing on Welsh history. Some fac-similes of rare title-pages and woodcuts, good in themselves, are capital commendation of the scheme.

We have to thank Mr. James Grant for no fewer than seven off-prints issued from the *Banffshire Journal* Office, bearing dates from 1902 until 1911, on Banffshire subjects—its agriculture 150 years ago, its literature prior to 1800, its roads during the first half of the eighteenth century, and its fortunes in the Revolution of 1689, as well as slightly less local notes

on the French invasion of Scotland in 1708, the disposal of the old Scots Navy after the Union, and the rôle of what was called 'Moyen' (*i.e.* interest, influence, and bribery of judicial authorities) in the old days when judges were not 'kinless loons.' They contain much that is of national bearing, for Banff county history and literature are parts of the general story of Scotland, and justify Mr. Grant's plea that the study of them is 'neither narrow nor parochial.' To some of the themes, such as the literature, Mr. Grant will doubtless return some day with deepened knowledge. He will, we hope, look at Alexander Craig with a more indulgent eye, and claim for Walter Goodall's editing of Bower's *Scotichronicon* the merit of a magnificent service to our land. No doubt Bower could have been edited a little better, but with all the qualifications allowed for, the *Scotichronicon* remains our greatest *corpus historicum*, and Bower is, over all, the Scottish historiographer royal. The Hume circle used to poke fun at his foibles in the matter of the national failing, but, drunk or sober, Goodall edited Bower remarkably well.

Mr. George Watson has sent us a private reprint of several articles on Jedburgh subjects, the most important treating upon the foundation of the abbey. He has also sent a paper read to the Hawick archaeologists lately on 'Literary Blunders of the Author of *Waverley*.' Happy the novelist who after a century has so small a teind to pay to the devil's advocate! Not that Mr. Watson plays that ungracious rôle, nevertheless he has raked together a long list of inadvertencies of arithmetic, geography, philology, and history. Among these errata, however, he includes 'the island of Roseneath,' for which the Clerk of Session could have adduced overwhelming authority in charters and seisins.

The Somersetshire Archaeological and Natural History Society's *Proceedings during the year* 1913 (8vo. Pp. xii, 145. With A Supplement to the Flora of Somerset. Pp. iv, 242. Taunton: Barnicott & Pearce. 1914) contain a sixth report on the discoveries made during the excavations of Glastonbury Abbey. The abbey was proud of its possession of the head of St. Dunstan, sumptuously enshrined, and the recent explorations of the site have taken away all doubt as to the existence of a chapel to that saint. Among objects unearthed are fragments of interlace-work crosses, pieces of Romanesque carving, and an 'egg-stone' or concretionary boulder, for which there is set up a dubious-looking claim for a connection with the historically mysterious name of Avalon, and with a symbolism of creation.

Romance interests parallel with those of archaeology are catered for by the account of preliminary digging at Cadbury Castle or Camp, otherwise known by the far more famous name of Camelot. With four concentric lines of rampart it is even on a landscape photograph a truly formidable contour-camp, and we can suppose the excavators may almost have hoped to discover Arthur in some enchanted subterranean sleep. Previous finds there had included bronze rings and bracelets, flint axes, and scrapers, as well as baked clay sling bullets. Trial cuttings made last year have added more bullets, pieces of Roman and British pottery, a flint hammer stone, a bronze bar, human skulls and bones, and iron nails and pieces of slag, all

which make more conclusive than ever the proofs of Late-Celtic and Roman occupation. We need not wonder that these results have made the excavators 'eager to learn more about Camelot.' In view of the keen stimulus to systematic digging afforded by recent discoveries made by similar tentative work at Traprain Law, near Haddington (associated with the legend of St. Thenew, mother of St. Kentigern), we in Scotland can fully share the anxiety of Somerset antiquaries to probe the mystery of Camelot deeper with the spade.

Aberdeen University Library Bulletin (April) serves a good purpose by a twenty-eight page chapter stating the 'Condensed Cataloguing Rules' as followed in that library. Cataloguing, almost like a system of heraldry, admits of a great series of fine distinctions and skilful applications of abbreviation and punctuation. The frail mortal who starts a private catalogue, equally with the professed librarian, may well find these rules a capital lead in deciding upon a system.

Mr. Alfred W. Johnston in *Orkney and Shetland Records* (Vol. I. Part. XII. Index. Pp. 281-389. London: Viking Society. 1914) renders very real service not only to record study but to the social and historical interpretation of Norse Scotland by his well-wrought synthetic and analytic summary in the guise of an index to the documents collected in this invaluable assemblage of deeds relative to the Orcades. Nothing but the presentment of these charters, etc., themselves would have convinced even well-appointed students of conveyancing that there were so many forms and terms calling for deep explanations, and that so much of the old Norse life and thought was carried down in shadow after the substance had passed away. Mr. Johnston's hundred pages of indexes are as necessary as they are enlightening. First is his government index, which groups jurisdictions, laws, deed-forms, courts, and offices. Second come words and subjects. Third are names of places and persons. As he has put in the date along with each reference, he has started a model of facilitating study for which the hard-driven searcher owes thanks not less for its ingenuity than for its diligence. It is a veritable hand-book to the charter lore of those islands, which have a strange attraction to men who never trod their strand, yet feel something Orcadian in their heart. We have all the Norse strain in the blood. Explanations of such mysteries as 'domrair,' contempt of court; 'dugandi-man,' gentleman; 'eyrisland,' ounceland; 'lispund' (from Low German *liveschpund*), Livonian pound; 'logthing,' lawting or assembling; 'roythman,' councillor; 'sogn,' parish; and 'tunmall,' grass plot, may be instanced as instructive glossarial notes. Congratulating Mr. Johnston and the Vikings we congratulate ourselves.

In *The English Historical Review* (April) Sir J. H. Ramsay brings some valuable authentic facts to confront the chroniclers regarding the size of medieval English armies. Miss Scofield coordinates much new light on the early life of John de Vere, 13th Earl of Oxford—son of the 12th earl, beheaded by Edward IV. Madame Lubimenko describes a project considered by James I. for the acquisition by him of no less a possession than the territory of Russia, towards which he was in 1612 persuaded—

unsuccessfully—by Thomas Chamberlain, a captain who had gone to serve with mercenary troops under the Tsar in 1609. Mr. J. G. Edwards adduces grounds for a belief that 'Flint' Castle is just an English rendering of 'Le Chaylou' (*caillou*), a name used apparently for the place in 1277-78. Mr. A. E. Stamp establishes pretty clearly that legal proofs of age in the fourteenth century display repetitions of events referred to as remembered which must be rather suspected to be matter of style hardly compatible with the truth—in one or other case—of the episodes treated as pegs of memory. Mr. Stamp offers no opinion, but his data more than hint at a somewhat daring concoction of evidence by the declarants.

Old Lore Miscellany (April) discusses yet further shades of technical sense of 'roithman,' examines Shetland names for various foods, and happily starts some genial criticisms of Mr. Johnston's introduction to the *Orkney and Shetland Records*. We should be sorry if the Vikings were always of one mind.

Notes and Queries for Somerset and Dorset (March, 1914).—A new part means more tomb-pictures, epitaphs, wills, tenurial customs, pedigrees, with some gossip and ana of many kinds. A recipe for sciatica may be noted as drawing ingredients from a goose and a swine plus 'the fleysch of a catte well brokyn.'

So too the *Berks, Bucks, and Oxon. Archaeological Journal* (April) abounds in brasses, piscinas, reliquaries, portraits, church extracts, inscriptions, and bell-lore.

The Iowa Journal (April) prompts the confession that our interests on this side the ocean are capricious. 'Forts in the Iowa Country' and 'French expeditions against the Sac and Fox Indians' are much more attractive than the 'Defalcation of James D. Eads' or the 'Quakers of Iowa in 1850.' We cheerfully leave both Dr. Eads and the Quakers to their own devices, and turn to the forts and the Sac Indians, not without a suppressed memory of Fenimore Cooper, whose fiction no doubt now needs historical subediting. The Frenchman, Captain Nicolas Joseph de Noyelles (born 1694, died *ante* 1767), who made his expedition in 1734 with 80 French and about 130 Indians, did not achieve much by his enterprise, a fact for which he blames 'the defection of our savages.' He marched from Montreal, crossed the Mississippi, and found the quarters of the enemy at last on the opposite side of the Des Moines River. Notwithstanding a temporary advantage in an engagement, the French company had to fall back. Ultimately the Huron friendlies, who accompanied the French, left them in the lurch, preferring predatory objects of their own. 'Nearly all our savages,' writes the chagrined captain, 'left me and went on the warpath.'

In the *Iowa Journal* (July) Mr. Van der Zee devotes two good papers to the process of French discovery and pioneer trading in Eastern Iowa prior to 1762 (when the territory west of the Mississippi was conveyed to Spain), and to the subsequent trade rivalry in furs between English and Spanish traders until the restoration of the province to France in 1800, and the final

sale of Louisiana to the United States in 1803. The interests of travel, commerce, and Indian adventure are united in the story of the seventeenth and eighteenth century *voyageurs* like Nicholas Perrot and the comrades of Captain de Noyelles.

In the *Revue Historique* (July-August) M. E. Ch. Babut completes a very extensive study on the Imperial Guard and Roman military staff in the fourth and fifth centuries. His lines of enquiry converge upon the significance and functions of the *protectores* or centurions, and he maintains that a knowledge of Roman military system under the last Western emperors is the key to much in Merovingian history. His concluding point is the suggestion that the Germanic peoples probably devised their system of hundreds from the Roman armies.

M. Pierre Caron prints letters of Madame de Lostanges from Paris and Versailles in July, 1789, giving the impressions of the lady, a greatly perturbed eye-witness, on the beginnings of the revolution. The sansculottes (not so described) are spoken of as 'des gueux et des misérables mal vêtus armés de bâtons,' and as 'des gens d'une mine épouvantable avec des longs bâtons armés de faux de bouts d'épées et d'autres armes qu'ils avaient été prendre chez tous les armuriers.'

In *Bulletins de la Société des Antiquaires de l'Ouest* (Jan.-Juin, 1913) are printed the statutes of the faculty of medicine of Poitiers, 1533-1616, which contain many regulations of great interest in the usage and law of universities and collegiate professional bodies. The oaths prescribed in 1533 are jealous against all unlawful practitioners, and especially against outsiders—'maxime extraneos qui non debent tollerari ex generali statuto in hac famosa universitate.' Also they sternly forbid resort to charms by the licentiate—'jurabit non uti in praxi exercenda et curis morborum sortilegiis, carminibus, verbis ignotis, caratheribus, auguriis, devinationibus et superstitionibus.' The 'doctor' has to swear 'non docere exercere aut dogmatizare pyromantiam necromentiam, magiae fucos, divinatorias et illicitas artes,' and is forbidden to have books of that sort which are condemned by the church. Also he must swear to keep the oath of Hippocrates—'contenta in jurisjurando domini Hypocratis.' At his reception the new doctor is admitted by the dean, who instals him with a gown (*birrus*), a ring, a book closed and open, and the kiss of peace. The bedellus of the faculty has many responsibilities, among which—'In prandiis tenetur primus gustare vinum per respondentem adlatum ne doctores intoxicentur.'

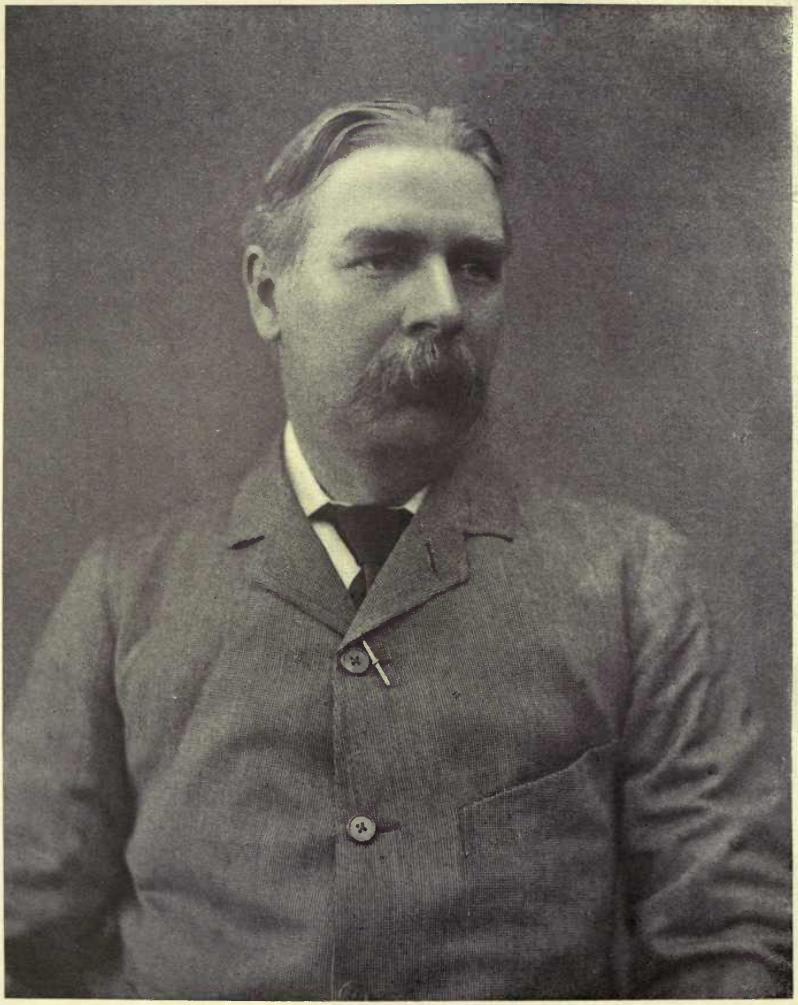
The Académie Roumaine publishes (Bucarest: Socec & Co. 1914) its *Bulletin de la Section Historique*, under the editorship of Professor N. Jorga. The January issue is the first part for the second year. The editor has compiled a history of the Jews in Roumania, where, as always, an unpopular race has been indispensable, but a constant anxiety to the government and the community, and where the Jewish question is still current politics. The battle of Obertyn in 1531, in which the Moldavians were defeated by the Poles, is re-examined by I. Ursu, who seeks on not very satisfactory evidence to explain the utter rout by a treasonable defection of the

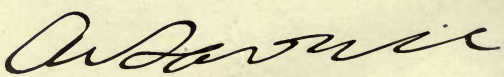
Moldavian allies. Professor Jorga contributes an elaborate study of the connection between the monasteries of Mount Athos and the Roumanian districts. The 'Holy Mountain' has ever since the ninth century been the object of magnificent and pious donations from the faithful; and the civil history has been intertwined with the ecclesiastical.

Archivum Franciscanum Historicum (January) contains an article by Father L. Bracaloni upon Medieval Assisi, accompanied by a plan and by a reproduction of the oldest extant view of the city between 1305 and 1315. In the same number Mr. Walter W. Seton describes an English codex of the latter half of the fifteenth century, which formerly belonged to the antiquary Thomas Pennant. It contains an English translation of the rule of the Third Order of St. Francis, promulgated in 1289 by Pope Nicholas IV. The writer mentions his intention of editing and publishing this interesting middle English text in the publications of the *Early English Text Society* and of the *Philological Society*. In the April number the same writer describes and discusses some new manuscript sources for the life of Blessed Agnes of Prag. The 'Chronica' which appears at the end of this issue contains a full review of the varied activities of students of Franciscan literature during recent months, in which English and Scottish authors receive due notice.

In *Analecta Bollandiana* (November, 1913) Father H. Delehaye has edited the *Martyrologium Hieronymianum Cambrense*, which contains, among other interesting commemorations, references to Saint Columba and to Saint Columbanus. This early manuscript (*circa* 1082) is announced for publication by the Henry Bradshaw Society. Meantime Father Delehaye has done excellent service by this edition and his learned notes.

In the January number Father Joseph Mansion deals with the origins of Christianity among the Goths, leaning to the view that at the date (A.D. 270) when the Roman Empire renounced its sway over the ancient province of Dacia there were already in certain places Christian communities founded by Audius. A fourteenth century manuscript of the life and miracles of St. Laurent (Lorcan O'Toole), Archbishop of Dublin in the twelfth century, is edited by Mr. Charles Plummer in the April issue. The death of the Saint took place in Normandy on 14th November, 1180, and at his funeral we are told that, among others, there was present '*venerabilis pater, Alexius nomine, Romane ecclesie Cardinalis, et Scotie tunc legatus.*' Alexis, whose mission to Scotland in the earlier part of this same year (1180) is well known, was only a subdeacon at this date. He was created a cardinal, with the title of St. Susanna, in 1188.





The
Scottish Historical Review

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In Memoriam

SIR ARCHIBALD C. LAWRIE, LL.D.

REV. PRINCIPAL LINDSAY, D.D., LL.D.

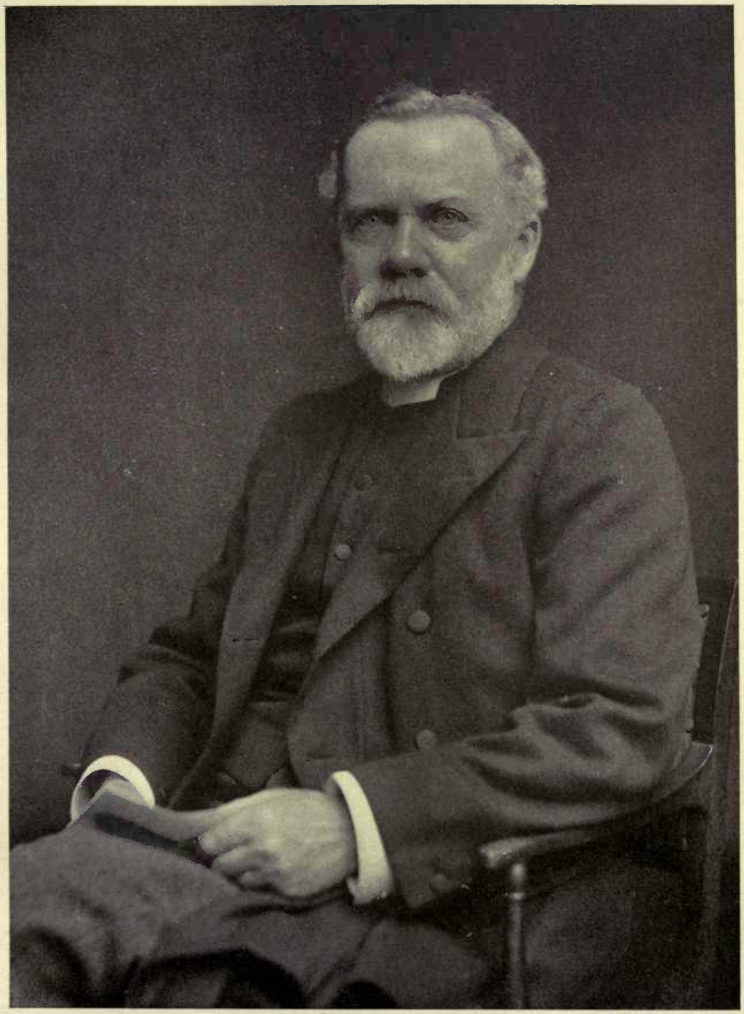
THE *Scottish Historical Review* lost by death two of its most distinguished contributors last year. Sir Archibald Lawrie, LL.D. (1837—11th May, 1914), will long be gratefully remembered by all who use the great *Index* which, whilst still at the Scottish Bar, he compiled in Volume XIII. of the *Acts of the Parliaments of Scotland*. His *Gazetteer of the Central Province of Ceylon* represents a wonderful collection of historical and topographical material gathered during the years of his judicial service in Ceylon. His *Early Scottish Charters* and *Annals of Malcolm and William*, compiled and edited after his retirement from the bench, are indispensable adjuncts of feudal study. Of all writers on Scottish history he most resembled Lord Hailes; particularly in a sceptical and critical attitude towards both chronicle and charter, in a thoroughgoing search for evidence and in a prevalent economy of inference. Sir Archibald was suspicious of all generalisation. Whether for a charter date or a pedigree or a dubious annal, he sifted every fact with dispassionate rigour; and though once or twice the ultimate verdict appears to go against him, his standpoints as a sturdy doubter have served history sometimes almost as well as his positive demonstrations. Only the very few friends who have had the opportunity of making a scrutiny of the piles of manuscript notes

and studies he has left, can adequately appreciate the immense patience, the industry, and the variety of erudition he devoted to his work. A tireless genealogist and commentator on charters, he earned a secure place among historical authorities by the manner in which he worked out the Scottish aspect of the European feudal movement.

The other contributor we have lost was Principal Thomas Martin Lindsay, D.D., LL.D. (1843—6th December, 1914), whose lines of study lay across the great European religious movement which had its centre in Germany, and some of its most signal manifestations in Scotland. Principal Lindsay's career as a scholar in philosophy, a theologian, and an ecclesiastical administrator lies beyond our sphere of notice: he ranks among the leading names of modern Europe in virtue of the use he made for history of his profound knowledge of German thought and life in the middle ages. His *History of the Reformation in Germany* is his chief work. The immense learning that book incorporates has been universally recognised, though perhaps insufficient attention has been drawn to the vigour and somewhat Carlylean character of its style, notable, like all Principal Lindsay's writing, for his objective method of pictorially visualising his heroes and their environment.[1]

In many ways these two men differed widely. Their opinions and manner of looking at political and social questions were far apart; but they were alike in their genial, loveable character, in their warm friendships and wide sympathies, in their power of drawing out and encouraging younger men, in their staunchness of character, their sincerity and their independence. The Editor of the *Scottish Historical Review* has reason to remember with gratitude the help, advice, and stimulus which he has received from these two unfailing friends of the *Review*.

[1] A member of his family who has seen a proof of this notice writes: 'When he was working at the *History of the Reformation* he would work away all morning, and would bring to lunch with him sheets of typewritten MSS. or a rough half-sheet with crowded lines of small handwriting in pencil, and he would read what he had written. 'Is it quite clear?' 'What picture does that give you?' He never grudged writing pages over again until his meaning was quite clear.'



Thomas Lindsay

Parliamentary Representation in Scotland

I. LOWER CLERGY, LAIRDS, AND OFFICERS IN PARLIAMENT.

MY object in these papers is to present the evidence, from Scottish records, which throws light upon some problems in Scottish institutional history which, so far as I am aware, have not yet been fully considered. I propose, as a rule, to confine myself, meanwhile, to Scottish evidence, and to reserve for future treatment the general question of the influence upon Scotland of the growth and development of institutions in other countries. It is easy to assume that when one finds a parallel in England or in France one has discovered the origin and the explanation of a Scottish custom, but in many cases I have not yet been able to satisfy myself about the relation of these parallels to each other, and I prefer, at present, to follow what has been described as the professorial method of looking a difficulty boldly in the face and—passing on.

I propose here to examine the extant records of the membership of the Scottish Estates to discover if they throw any light upon the history of the right of officers of State to be present, *ex officio*, in Parliament. As the title I have chosen suggests, I think we may obtain some guidance from a brief survey of the history of the representation of the lower clergy and of lairds or 'barons' (in the Scottish sense) during the period between the War of Independence and the Reformation.

Except for a remark in the Preface to the first volume of the *Acts of the Parliament of Scotland*, the presence in Parliament of clergy under the degree of bishop, abbot, or prior, seems to have been generally ignored by writers on the constitution (including myself in my Stanhope Essay on the Scottish Parliament before the Union of the Crowns). Bishop Dowden, in his *Mediaeval Church in Scotland*, has devoted some pages to the topic, and has made some important suggestions, to which I hope to

return in a later article. I am not here concerned with the original basis of their attendance; it is sufficient to show that they were a recognized part of the spiritual Estate. As early as the reign of Alexander II. we have a record of the presence of a dean and an archdeacon in a Great Council (*A.P.* i. p. 404); in 1315 archdeacons and deans are mentioned along with bishops, abbots, and priors, and other clergy as well are said to have been present (*Ibid.* p. 464); and in a very important document of the year 1369 there is a complaint that few of the inferior clergy were present in Parliament (*Ibid.* p. 507). Such lists of members of Parliament as we possess for the end of the fourteenth century show that some of the inferior clergy did attend. There are instances of their being present as proxies for the higher clergy, but the complaint of 1369 makes it clear that this was not their sole right to attend. By whom they were elected, or if there was any election at all, we cannot tell; there is not even material for a guess. But we notice that a considerable proportion of the few lower clergy whom we know to have been present in Parliament between 1367 and 1369 held official positions, *e.g.* William de Biggar, Rector of Errol, who held the great office of Chamberlain, and John de Carron, who had the humbler post of a clerk in the Exchequer (*Exch. Rolls*, ii. pp. 359, 436 n.). From 1369 till about 1460 we have no adequate lists, but we may note that George Shoriswood, Rector of Culter, whom we know to have been in Parliament in 1451 and 1452, was then Clerk of Register. From 1466 to 1560 we have a very considerable amount of information, and the names of many of the lower clergy who were present in Parliament. I have compared these names with the evidence about the royal officials which is available in the Acts of Parliament, the Register of the Great Seal, Exchequer Rolls, the Treasurer's Accounts, and other sources, and in a large majority of instances I have been able to identify the lower clergy present in Parliament with officials and clerks. Between 1535 and 1560 all were officials.[1] The royal secretaries and clerks of the Household, and the clerks of the Chancery, the Exchequer, and the Treasury, were, naturally, men in Holy Orders. It is, I think, at least possible—in view of the evidence of 1369—that such men originally came to Parliament as inferior clergy, and that, as time

[1] There is one possible exception. 'Robert, minister of Failford,' attended in 1546 and in 1560. But the 'Minister Domus de Failford' was the Provincial of the Trinity Friars, and probably was regarded as a prelate.

went on, only those of the inferior clergy who were officials attended. It is important to notice that we are not dealing solely with the great officers of State, but also with 'civil servants' of much humbler position who could never have been given places in Parliament in virtue of their offices. From about 1445 we have entries in the Parliamentary records of the presence of officials whose offices are mentioned in the records, and it may be that about that time the attendance of lower clergy was definitely passing into the right of royal officials to be present in Parliament. Officers who were clerks continued to be described as part of the clerical estate, and there are instances (one in 1488 and several after 1540) of the inclusion in the list *pro clero* of lairds who happened to be officials.

It is conceivable that civil servants may have been selected from inferior clergy who came to Parliament, and this might be inferred from the fact that their names sometimes appear in the fifteenth century Parliamentary lists a few years before we know of their holding an office ; but it is equally possible that when their names first appear they were the occupants of inferior positions in the civil service, and there are some instances in which we can trace such promotions.

The suggestion that the attendance of the inferior clergy came by the end of the fifteenth century to mean only the presence of greater and lesser officials who were clerks gains some support from the fact that in an extant writ of summons of the reign of James IV. there is no reference to the inferior clergy.

The history of the attendance of the lower barons or freeholders is curiously parallel to that of the attendance of the inferior clergy. Originally all tenants-in-chief, small and great, had an undoubted right to be present, or an undoubted obligation to attend. We know that in the reign of James I. the smaller barons did not attend, and that he failed to compel them either to go to Parliament in person or to send procurators or representatives. But the Act by which he gave them the unused power of electing commissioners to represent them contemplated the elevation of the greater barons into Lords of Parliament, and was ultimately, though not immediately, followed by the practical elimination from the Estates of all barons who were not Lords of Parliament. The proportion of such barons in the few fourteenth century Parliamentary lists is naturally large, because there was only a small number of earls and there were no lords of Parliament. When our detailed information for the fifteenth century begins

(c. 1440), only a few lords had been created, and as late as 1472 we find present in Parliament 16 domini or lords, and some 34 barons or lairds (*A.P.* ii. 102). The lords and the lairds were recognized as forming one estate. They are sometimes classed together as 'barones,' and in January, 1488, they are all called 'domini.' The first distinction I have noticed occurs in a Parliament later in the same year, in which 'the lord A' is distinguished from 'the laird of B'; but all form one Estate. On the whole, in the fifteenth century we do not find any suggestion of the disappearance of the lairds, though their representation on the Lords of the Articles is very meagre.

It is different in the sixteenth century. For the early years of that century we have only lists of committees. In these lists a few names of lairds occur, some of whom were certainly officials. But in December, 1540, in a Parliament for which we have a full list, there were no lairds, and from this date, when lairds are present, we can almost always identify them as officials. The last list in which they appear (August, 1546) will illustrate the kind of evidence which is available. The seven lairds present are described as Lochinvar, Cessford, Drumlanrig, Bargany, Blairquhan, the Sheriff of Ayr, and George Douglas. James Gordon of Lochinvar and James Kennedy of Blairquhan were connected with the Exchequer. Walter Kerr of Cessford and Hew Campbell of Loudoun, Sheriff of Ayr, belonged to the Royal Household (*Mag. Sig.* iii. Nos. 645 and 731). George Douglas of Pittendreich (father of the Regent Morton) was one of a chosen body of advisers to the Regent Arran, and James Douglas of Drumlanrig was a member of the Privy Council. I have not been able to discover any official position held by Alexander Kennedy of Bargany. The presence of two Douglases and two Kennedys is obviously connected with the political activities of Angus and Cassilis in 1546.

Thus the few lairds whom we know to have been present in Parliament from about 1520 to 1558 had almost invariably some official position. It is possible that in one or two exceptional cases—perhaps Alexander Kennedy of Bargany in 1546—an ancient right may have been asserted for special purposes and under the protection of a great nobleman. But the famous petition of the smaller barons to be allowed to be present and to vote in Parliament in 1560 is ample evidence that their real constitutional claim was totally misconceived, and when, in November, 1572, a Convention was held for the election of the Regent

Morton, so dubious was the position of the smaller[1] barons that, though they were allowed to vote, they were carefully excluded, in the official record, from the list of the 'sederunt' of the Lords Spiritual and Temporal and the Commissioners of the Burghs. Their names appear in a separate list, headed 'Astiterunt,' and Morton is recorded to have been elected 'by plurality of votes of the said Estates and others above written.' The very memory of the ancient right of the freeholders had passed away. Whether the personal honours conferred after 1427 were merely titles or were peerages in the modern sense of the word is a question for lawyers; from the point of view of the historian, the fact that, except for royal officers and civil servants, the Lords of Parliament came to monopolize the baronial Estate, is the essential feature. Whether he did so legally or not, James I. practically began the creation of a peerage which, between 1500 and 1560, superseded the barons as an Estate of Parliament. It is true that many of the names which occur in fifteenth century lists of lairds occur in sixteenth century lists as Lords of Parliament; but, in spite of this, the numbers of the Estate had decreased. Before the admission, in 1587, of commissioners from the smaller barons, the baronial Estate consisted of one Duke, 23 Earls, and 26 Lords of Parliament—a potential total attendance of 50. But in 1472, about a century earlier, we have an instance of an actual total attendance of 53 (5 earls, 14 lords, and some 34 lairds).

There are, then, reasons for believing that the presence of royal officials in Parliament may have been connected with the attendance of the lower clergy and the lairds. As the Crown was unlikely to have any officers who were not (*a*) Lords Spiritual or (*b*) Lords Temporal or (*c*) tenants-in-chief or (*d*) inferior clergy, all its officers would naturally have a right to be present in Parliament, and would be expected to be present. In the documents relating to the period before the Reformation, there is no certain trace of the presence in Parliament of officials who did not belong to one or other of these classes, although it is possible that one or two of the non-clerical persons entered in the list *pro clero* may not actually have been barons holding land from the Crown. When non-official lairds and non-official clergy ceased attending, officials continued to attend, and their right to do so would come to be regarded as dependent on

[1] The term 'smaller barons,' which in 1427 meant the less important barons, had come by 1560 to mean all barons (even considerable landowners) who were below the degree of Lords of Parliament.

their office and not on their personal *status*. Yet, though after 1540 we have what are really lists of officials, these officers, as a rule, continued to be classed in the Parliamentary records with the Estate, barons or clergy, to which they naturally belonged. Before the Reformation there are no separate lists of officers, and before 1540 it is rare to find any reference to an office.

Between 1560 and 1587 (except for the revolutionary meeting of Estates in 1560), Parliament was composed of Lords Spiritual (titular bishops, abbots and priors, and commendators of religious houses), Lords Temporal (noblemen) and commissioners from the burghs. We have no instance after the Reformation of the presence in Parliament of minor officials such as the officers of the Exchequer and the Treasury, and the members of the Royal Household ('familiares regis'), whom I have identified in the earlier lists. But we do find, immediately after the Reformation, a new category of members, the great officers of State. In the first Parliament of 1567 (the last Parliament of Queen Mary) they occur only in the lists of the Lords of the Articles. The names of the elected members of that committee are given 'una cum officiariis' (*A.P.* ii. p. 547). The officers present on that occasion were the Treasurer, the Secretary, the Keeper of the Privy Seal, the Clerk Register, the Justice Clerk, and the Advocate. In the second Parliament of 1567 (the first Parliament of James VI.) the officers are placed in the full list of members. They were the Treasurer, the Secretary, the Comptroller of the Exchequer, the Clerk Register, and the Justice Clerk. All these offices had been frequently held before the Reformation by the lower clergy and lairds, to whose presence in Parliament we have referred. It was evidently felt to be desirable that the holders of such offices should continue to attend, and they were therefore constituted into a new category of officials. The practical effect of the Reformation was to put an end to the attendance of minor officials in Parliament and to give a new technical Parliamentary status to the great officers of State.

The number of these great officers varied until 1617 from five to eight. In 1592 the Chancellor, the Treasurer, the Secretary, the Comptroller, and the Justice Clerk are described as the 'ordinary officers of State'; in the following year the Treasurer-Depute and the Collector-General of Taxes are also included in the same description. The Master of Requests was also occasionally present as an officer. In 1617 a question about the number of officers was raised in Parliament. The Clerk of Register reported that

the number had been sometimes greater and sometimes smaller than eight (in this calculation he must have included the Chancellor, who since 1561 had always been a nobleman), and he announced the royal pleasure that there should never be more than eight men sitting *qua* officers of State. In 1640 the Act amending the constitution of Parliament, which abolished the ecclesiastical Estate, ordained that all future Parliaments should consist only of noblemen, barons (*i.e.* commissioners of the shires), and burgesses, and in 1641 this Act was explained to involve the exclusion of officers of State, and all Acts giving them seats in Parliament were declared to be repealed. No such Acts were specified, and I am not aware of the existence of any. In 1661, before the Acts of 1640 and 1641 had been repealed by a General Act Rescissory, the Treasurer, the Clerk of Register, and the Advocate, along with the Treasurer-Depute (who had appeared on the list of officers only in 1593 and 1617) took their seats. No objection seems to have been made, and in 1662 the officers of State were included in the lists of members, and seats were assigned to them upon the steps of the throne.

Between the Restoration and the Revolution nine offices of State were represented at various times—the Chancellor, the Privy Seal, the Clerk of Register, the Advocate, the Treasurer-Depute, the Justice Clerk, the Treasurer, the Secretary, and the President of the Council (who appears for the first time in 1662). The number of officers of State varied in different Parliaments, but the Chancellor, the Privy Seal, the Lord Advocate, the Clerk of Register, and the Justice Clerk were generally present. When officers of State were bishops or noblemen, they were enrolled in the Estate in which they belonged, and the category of 'Officers of State' was reserved for those whose qualification was their office—usually the Clerk of Register, the Advocate, and the Justice Clerk. In the Convention of 1689 and in the Parliament of June, 1689, we have no trace of the presence of officers, but between 1690 and 1707 the familiar nine officers appear in the Rolls. A distinction was drawn between greater and lesser officers of State, but the test was not the nature of the office but the rank of its occupant. The offices of Chancellor, Treasurer, Privy Seal, and President of the Council were always held by noblemen. The office of Secretary was ranked with the greater offices when held by a nobleman or (after 1700) by noblemen. The attendance of officers was more frequent and more regular between 1690 and 1707 than between the Restoration and the Revolution. The

chief differences are the regular attendance of the Secretary or Secretaries from 1693 and of the President of the Council from 1696. The presence of the Secretary is only once recorded between 1661 and 1686, and the presence of the President of the Council only twice. The Treasurer and Treasurer-Depute also attended more frequently after the Revolution.

The jealousy with which Parliament, in the constitutional period after the Revolution, regarded the presence of these officers of State is evident from an Order passed in July, 1689. Under the Stuarts, officers of State had always been on the Committee of Lords of the Articles, which monopolized the efficient power of Parliament; *e.g.* in 1581 eight out of twenty-six members of that committee were officers; in 1633, eight out of forty; in 1669, five out of forty. The officers of State who sat on the Articles were nominated by the Crown. The resolution of 1689 ordered that no officers of State should be members of any committee unless they were elected to that committee. Members of committees were elected after 1689 by and from each of the three Estates separately, and no officer who sat *ex officio* was eligible for election, as he did not belong to any of the Estates (noblemen, commissioners of shires, burgesses). In 1690 this Order was modified so far as to allow such officers as the King or his Commissioner might appoint to sit and debate in committee without the power of voting. The right of the noblemen to elect on committees officers of State who were noblemen was, however, protected (*A.P.* ix. 113), but this exception did not apply to the other Estates, and it was guarded so strictly that when in 1696 Sir James Ogilvie, the member for Cullen, was 'appointed by His Majesty to have place and vote in Parliament as Secretary of State,' a new warrant was issued for Cullen (*A.P.* x. 11; App. p. 3). The effect was that the Secretary of State could not claim to be eligible for election as a voting member of any committee.

II. LAIRDS AS COMMISSIONERS OF BURGHS IN PARLIAMENT.

In the end of the seventeenth century there were some well-known constitutional cases connected with the election of non-burgesses as commissioners for burghs. Mr. Porritt, in his useful book on the *Unreformed House of Commons*, has, with less than his usual caution, inferred from this circumstance that 'the move-

ment of the landed classes to obtain control of the Parliamentary representation in the burghs . . . did not begin until the closing years of the reign of Charles II.,' and he says that this effort 'had then no success, and was attended with none until the Scottish Parliament was nearing its end' (vol. ii. p. 53), and Mr. Porritt's authority has been accepted by Professor Terry. It seems to me that the movement began a century earlier, and that it was almost uniformly successful.

There is evidence in burghal records (*e.g.* Aberdeen), about the end of the fifteenth and the beginning of the sixteenth century, of the interference of barons of the county in municipal affairs, and Acts of Parliament, passed in 1487 and in 1535, had ordered that all who held any jurisdiction in burghs must be resident indwellers of these burghs. It may have been doubtful if these Acts applied to Commissioners to Parliament, but the Convention of Royal Burghs in 1574 forbade the issue of Parliamentary commissions to such as were not 'merchants and traffickers, having their remaining and dwelling within burgh, and bearing burden with the neighbours and inhabitants thereof,' and it repeated this injunction in 1586. The exact amount of authority to be attributed to acts of the Convention at this date must be reserved for further discussion; but in this particular instance the action adopted by the Convention received in 1587 Parliamentary confirmation from an Act that every member of Parliament must 'duly occupy the place of the self estate wherein he commonly professes to live and whereof he takes his style.' In spite of this legislation, we find the Convention complaining in 1598 about the return to Parliament of 'persouns who haid litill skeill or experience . . . and als littill cair and guid will' in burghal affairs. The old rule was reaffirmed by the Convention, and the terms used give us the clue to the nature of the complaints. Commissioners must not be '*above* the rank and degree of a merchant trafficker and indweller.' There is plenty of evidence of the justice of these complaints, both in the lists of noble and landed provosts of burghs about this time, and in the Parliamentary records. The laird of Minto, for example, represented Glasgow in 1581 and 1594, the laird of Dairsie represented St. Andrews in 1585, 1587, 1593, and 1600, and the laird of Bonhard represented Linlithgow in 1594, 1598, and 1599. In 1600 the burgh of Dunbar sent to a Convention of Estates at Perth (the records of which are not extant) a certain William Lauder as its commissioner. He was 'nocht of the qualities' prescribed for burgess

representatives, and—what evidently was the height of his and his burgh's offending—he had by his vote opposed the rest of the commissioners of burghs. The Convention fined the burgh of Dunbar £40. In 1601 it raised the fine in similar cases to £100, and in 1603 it still more strictly defined the qualification of a commissioner. He must be 'sic ane persoun that may tyne or wyn in the commoun caus of burrowis or in the particular of his own brugh.'

All these efforts failed to secure obedience. We find, in 1621, lairds sitting for Lanark and Culross, in 1639 for Inverness, New Galloway, and Peebles, and in 1643 for Inverness. There are many instances in which the provosts who sat for the burghs were lairds. The question was raised during the negotiations for Union with England in 1652, but the Convention of Royal Burghs was forced to acquiesce, under protest and 'without prejudice,' in the decision of the English judges that no conditions could be considered except those laid down in the Declaration of the Parliament of England. After the Restoration the proportion of landed burgess members became larger than ever, and in 1674 King Charles II. addressed to the Convention of Royal Burghs a letter of protest against the return of burgess members not 'actual residenters within the burghs commissionating them . . . or such as can lose or gain in any of their concerns.' The king regarded the practice as 'directly contrary to the ancient constitution of the burghs and to many of their acts,' and he ordered an end to be put to the abuse. The letter produced extraordinary results. It was read on the 17th August, 1674, and a reply was sent asserting that no such limitation of freedom of election had ever existed, and that non-residenters had always been recognized as lawful members of Parliament, 'notwithstanding of any acts formerly made.' This inconsistent story was followed by the significant statement that non-residenters were specially devoted to the king's service. But in January, 1675, the Convention apologized for the 'impertinent and insolent' reply sent by 'some turbulent persons,' and thanked the king for the restoration of their privileges. In the following July the Convention passed an act confirming their old regulations, but without reference to the Act of Parliament of 1587.

In the next Parliament (1678) objection was taken to the return of John Johnstone of Elshieshields, who had sat for Lochmaben since 1665. The question was remitted to the committee on disputed elections; apparently the result was in Johnstone's favour, for he sat again in 1681. But in the same Parliament

the member for New Galloway was disqualified on the ground that he was not a 'residenter or trafficker in the burgh.' In 1681 the objection was again sustained in the cases of George Sintie of Balgony, who had been returned for North Berwick, and Sir Patrick Murray, who had been returned for Selkirk, while John Dempster of Pitliver, Provost of Inverkeithing, whose return was also disputed, was found to be 'a trafficking-merchant in the said burgh.' It is important to note that the Parliament of 1681, approving the reports of its committee, laid it down quite definitely that 'no person could be elected Commissioner to represent a Burgh in Parliament unless he be a burgess and a residing trafficking merchant in that Burgh.' The disqualification was therefore not merely a rule of the Convention of Royal Burghs (a body less important than it had been a hundred years earlier). The Court of Session gave an equally clear decision when the Convention of Royal Burghs prosecuted the town of Selkirk for a fine. The Court found that the fine had been incurred and that the Acts of the Convention of Royal Burghs were obligatory (Fountainhall's *Decisions*, i. 148).

The rule, for the first time rigidly enforced, almost immediately fell into desuetude, and strangely enough Sir Patrick Murray, who had led the burgh of Selkirk into the extravagance of a fine, was again the person concerned. Murray had sat for Selkirk from 1669 to 1674, and after his disqualification in 1681, he sat for Dunfermline in both sessions of the Parliament of 1685, without, apparently, any objection being taken. In 1690 he appeared as Commissioner for the burgh of Stranraer, but the old objection was raised and the precedent of 1681 was quoted. The defence made was the non-legal argument that the same objection applied to many members both of the Convention of 1689 and of the existing Parliament, and no action was taken (*A.P.* ix. App. p. 139). Murray was their Majesties' Receiver-General, and it is probable that the decision (like many similar decisions in the Convention, according to Dalrymple) is to be explained by personal and political considerations. The original reply of the Convention of Royal Burghs to Charles II. suggests that the maintenance of the restriction was no longer desired by the burghs, and, indeed, the royal letter of 1674 may have been part of the policy of Charles II. and James VII. towards municipal corporations. The precedent of 1690 was regularly followed, and when the question was raised long afterwards, in a disputed election for the Wigtown Burghs in 1774, a committee of the House of Commons decided

that it was not necessary for a representative to be a burgess of a burgh in the district of burghs for which he sat.

The disqualification insisted upon by the Convention of Royal Burghs in 1574, affirmed by implication in an Act of Parliament of 1587, and adopted by Parliament in 1681, was, therefore, really effective only between 1678 and 1689, and by that time the Convention of Royal Burghs had ceased to regard it as important.

III. THE REPRESENTATION OF VASSALS OF SUBJECT-SUPERIORS: BURGHAL TAXATION AND REPRESENTATION.

Parliamentary representation in Scotland was, until 1832, confined to tenants-in-chief of the Crown and to Royal burghs. This is the rule, as it has been frequently, and correctly, stated; but like all other rules, it has its exceptions. In the counties there was only one exception—Sutherland. In Sutherlandshire, and there alone, vassals holding of subject-superiors could vote for, and could be chosen as, commissioners to Parliament. The privilege dates from the effective creation of Sutherland into a separate county. It had been a regality since 1345, and was part of the shire of Ross until the seventeenth century. In 1601 James VI. made it an independent county under the hereditary sheriffdom of the Earls of Sutherland (*Reg. Mag. Sig.* vi. No. 1170), but this grant does not seem to have been effective, for, in 1631, Charles I. gave a charter to the same effect and promised to have it ratified in the next Parliament (*Ibid.* viii. No. 1847). The whole, or almost the whole land in the county belonged to the Earl of Sutherland, and the Caroline charter gave power 'to the free barons *and the other inhabitants* of the county' to choose commissioners to Parliament. This unique privilege was ratified, with the rest of the charter, in 1633 (*A.P.* v. p. 62), and Sutherland was represented in 1639. Two years later a special Act was passed ordering the heritors, feuars, and life-renters in the county of Sutherland to share with the free-holders the expense of paying the commissioners, 'because there is only two inhabitants within the said shire holding land of the King's Majesty.' This Act fell under the General Act Rescissory, and was re-enacted in 1661 (*A.P.* vii. p. 328; cf. also vi. ii. p. 720). Regulations about the precise qualifications for a vote were not made until 1743 (16 Geo. II. cap. 11), when it was enacted that £200 of valued rent was sufficient for a vote in the county. This followed the

principle of the extension of the vote to feu-holders of the Crown in 1681, but the qualification was only half of the £400 of valued rent demanded in the other counties. By the same Act, a Sutherlandshire tenant-in-chief of the Crown, if he was a commoner, was declared to have the same rights as his fellows in other counties. He could vote in virtue of his superiority, and his vassal had no privilege. But, where lands in Sutherlandshire were held of the Crown by a peer, the owner of the property had the claim to a vote (if he satisfied the pecuniary conditions), and no vote could be claimed in virtue of a superiority.

An attempt was made in 1649 to obtain for Caithness the privilege which had recently been granted to Sutherland, but without result (*A.P.* vi. ii. pp. 351, 720), and a similar situation arose in the shire of Kinross, where most of the land was held by the Earl of Morton and Lord Burleigh. Except in the Protectorate Parliaments, in which Kinross-shire shared a member with Fife, the county appears never to have been represented until 1681, although the Act of 1427, the provisions of which, in this respect, were adopted in the effective Act of 1587, ordered that it should have one member. In 1681, Sir William Bruce of Balcaskie appeared in Parliament armed with a royal letter, declaring that the shire of Kinross ought to be represented and that the records of Parliament showed that it had been represented until almost all the shire came to belong 'to the Earl of Morton and the Lord Burleigh, who being themselves noblemen, did in parliament represent their own lands.' By 1681, Sir William Bruce had purchased Morton's lands, forming the greater part of the shire, and had been elected by himself and the other free-holders. He apparently anticipated some objection to his taking his seat, and Charles II., being 'well satisfied with the dutiful deference shown to us by the said Sir William in the prosecution of that his right,' ordered that Kinross-shire should enjoy its old privilege of representation (*A.P.* viii. p. 239).

In the representation of the burghs there are some exceptions to the rule that only Royal burghs could send commissioners to Parliament. The rule was based on the fact that Royal burghs alone contributed to the payment of special taxes. In return for this privilege, and for the burden of representation, they possessed a monopoly of the trade of the kingdom. That monopoly, originally conferred, or recognised, by their charters of incorporation, was confirmed by various Acts of Parliament, *e.g.* in 1466, 1488, 1503, 1592, and 1633. But from a very early date certain

trading privileges had been given to burghs which held not from the Crown but from an abbey or a bishop. The most important of these were Glasgow, Arbroath, St. Andrews, Brechin, and Dunfermline. William the Lion's charter to Joscelin, Bishop of Glasgow, for example, gave to the burgh the right of holding a market with all the freedoms and customs possessed by any burgh in Scotland, and later charters gave it most of the privileges of a Royal burgh; though a Glasgow burgess, as an episcopal and not a 'free' burgess, might have found, in the event of a dispute, that he was not worthy to challenge and do battle with a burgess of a Royal burgh (cf. Sir James Marwick's Introduction to *Charters of the City of Glasgow*, vol. i. pp. v *et seq.*). A burgh possessing such privileges might fairly be expected to take its part in the payment of national taxation, and a burgh paying its share of taxation might find itself represented in Parliament.

It is, however, necessary to inquire how far the actual payment of a share of taxation was regarded as an essential condition for the representation of burghs which were indisputably Royal burghs. The few burghs which we know to have been represented in the fourteenth century—Aberdeen, Dundee, Montrose, Linlithgow, Perth, Edinburgh and Haddington—were all indubitable Royal burghs, as were also all except two (St. Andrews and Brechin) of the 27 burghs which appear for the first time on the rolls of Parliament in the fifteenth century. All of these burghs are to be found in the Exchequer Rolls making payment to the Royal Exchequer, but the real test is the payment of the special taxation imposed from time to time upon the three Estates represented in Parliament. The burghs were allowed to assess among themselves the total amount of taxation payable by their Estate, and we possess a series (not by any means complete) of these assessments or stent-rolls. The earliest of them is a roll made in 1483 and preserved in the records of the burgh of Aberdeen, but it applies only to the burghs north of the Forth (*Rec. Conv. R.B.* i. p. 543). Two Royal burghs which were represented in Parliament in the fifteenth century—Kinghorn and Inverkeithing—do not appear in it; but on the first occasion on which they appear in a stent-roll (1578), their contributions are included with that of Edinburgh (*Ibid.* i. p. 73), and they may, therefore, have paid their share regularly, although no record appears of the payment. The first complete stent-roll is dated 1535, and between that date and 1705 we have some thirty rolls. In the rolls for the period 1535-1583, there are, except for one abnormal occasion, thirty-five

Royal burghs always named, and all of these were represented in Parliament; but four Royal burghs appear regularly which were not represented until after 1583 (Cullen, Whithorn, Dysart, Kirkcaldy). Hamilton, which had been made a Royal burgh in 1549 (*Mag. Sig.* iv. No. 270) appears in 1550, but it lost or resigned its status, and does not appear again. It never appears in the Parliamentary lists. Pittenweem, which had been created a burgh of barony for the prior of Pittenweem in 1526 (*A.P.* ii. p. 316), became a Royal burgh in 1541 (*Mag. Sig.* iii. No. 2294), was added to the stent-roll by 1575, and thereafter appears regularly. It was not represented in Parliament until 1579.

After the year 1583 there was a large increase in the number of Royal burghs, but owing to gaps in the series of stent rolls we cannot trace a constant correspondence between the appearance of a burgh on these rolls and its representation in Parliament. Seven burghs created in or after 1583 (Anstruther E., Anstruther W., Bervie, Culross, Kilrenny, Sanquhar, and Stranraer) and three ancient burghs (Annan, Kirkwall, and Lochmaben), were represented in Parliament either after or simultaneously with their appearance in the stent rolls. For six new creations (Burntisland, Campbeltown, Dornoch, New Galloway, Queensferry, and Wick) no evidence is available. There are, however, four clear instances of the representation of burghs which did not appear on the stent rolls. Dingwall was represented in 1587 and 1593 and not again until 1656; it appears on the tax roll for the first time in 1649. Inverurie and Kintore were enrolled by the Convention of Royal Burghs in 1661, and they make their appearance in the stent rolls in 1665; but Inverurie had been represented in 1612 and in 1617 (but not again till 1661); and Kintore had been represented in 1579, 1617, and 1621 (but not again till 1662). Inverary was represented regularly from 1661 to 1707. It had appeared on the tax roll of 1649, but it is not found in those of 1665, 1670, and 1683.[1] I do not know of any special circumstances (unless it be the extreme poverty of the burghs) that explain the representation of Kintore and Inverurie long before they were enrolled as free burghs, on the usual condition of conforming to the regulations of the Convention of Royal Burghs and bearing their burdens according to the tax roll (*Rec. Conv. R.B.* iii. p. 534). But there are special circumstances in the cases of Dingwall and Inverary.

[1] The references for all these stent rolls will be found in the Index to the *Records of the Convention of Royal Burghs*, p. 150, *sub voce* Tax Roll.

Alexander II. had made Dingwall a burgh with all the privileges belonging to Inverness (*Reg. Mag. Sig.* ii. No. 2387). Robert I. granted it to the Earl of Ross (*Ibid.* i. App. 2, Nos. 370, 380). James IV. in 1498 confirmed the charter of Alexander II. (*Ibid.* ii. No. 2387). James VI. in 1584 granted the superiority of the town of Dingwall to Andrew Keith, Lord Dingwall, and confirmed the grant in August, 1587 (*Ibid.* v. No. 1337). But, according to the evidence given to a committee of the House of Commons in 1793, James VI., in the September of the very year in which he confirmed the grant to Lord Dingwall, granted another charter confirming the charters of Alexander II. and James IV. This charter of September, 1587, is not recorded in the Register of the Great Seal, and there is later proof of renewed grants of the superiority (*Ibid.* vi. No. 2152, ix. No. 275), but the evidence produced before the Commons' Committee in 1793 doubtless explains the representation of Dingwall in 1587 and 1593. The Convention of Royal Burghs, which in 1579 (before the grants to Lord Dingwall) had refused to acknowledge Dingwall as a Royal burgh (*Rec. Conv. R.B.* i. 104), agreed, presumably on the evidence of the same charter, to enrol it in 1638, and thereafter it is found regularly in the stent rolls.

The absence of Inverary from the tax rolls from 1661-1685, during which period it was represented in Parliament, is connected with an unfulfilled promise made by the House of Argyle. Inverary had been enrolled on the usual terms in 1649, after some discussion (*Rec. Conv. R.B.* iii. pp. 339, 345-6), and in 1654 its proportion of the tax was fixed (*Ibid.* iii. p. 386). But in 1657 the Convention complained that Argyle had not kept his promise to give up the superiority of the houses in Inverary, all of which belonged to him, and to allow them to be held in free burgage. No satisfactory answer could be obtained from Argyle in 1658, and the Convention, on a report in 1659 that no payment had ever been made from Inverary, ordered arrears to be claimed from 1649. In 1697 another effort was made to obtain the fulfilment of Argyle's promise, on the strength of which, the Convention asserted, the burgh had been enrolled, and in the same year arrears were remitted (*Rec. Conv. R.B.* iii. pp. 456, 472 ; iv. pp. 90, 233).

These facts, the interest of which has led me to state them at somewhat greater length than is requisite for my argument, show that, though payment of taxes was not always followed immediately by representation in Parliament, even in the case of Royal burghs, yet enrolment on the tax rolls of the Convention of Royal

Burghs was, in normal circumstances, an invariable accompaniment of representation in Parliament, and that burghs not yet enrolled appear only spasmodically on the Parliamentary lists; there is no instance of regular representation until after entry on the tax rolls. It is also clear that the Convention of Royal Burghs insisted (as in the seventeenth century Parliament also did) upon the production of evidence of the creation of a burgh as a Royal burgh.

But in all the stent rolls there appear the five ecclesiastical burghs mentioned at the beginning of this discussion—Arbroath, Brechin, Dunfermline, Glasgow, and St. Andrews. Of these, St. Andrews was represented in Parliament as early as 1456, Brechin in 1478, Glasgow in 1558, Arbroath in 1579, and Dunfermline in a Convention in 1593, but not in a Parliament till 1612. No one of them, with the possible exception of Dunfermline, became a Royal burgh until after its first appearance in the Parliamentary records. The interval between the representation of Arbroath in 1579 and its erection as a Royal burgh in 1599 is very short, and its status, like that of Dunfermline, may have been uncertain. But St. Andrews was represented, while holding from a subject superior, from 1456 to 1620, Brechin in 1478 and 1481 and from 1585 to 1641 (or 1695), and Glasgow from 1558 to 1636. Some doubt has been expressed about St. Andrews and Brechin, but it is quite clear that the Archbishop of St. Andrews continued to be the superior of the city until the seventeenth century (*A.P.* iv. pp. 515-517), and that Brechin was similarly a vassal of the Bishop of Brechin (*A.P.* v. p. 542; ix. p. 510; *Cart. of Brechin*, i. p. xix), in spite of the fact that in a charter of James III. it is described as a 'free burgh, paying taxes and contributions like the other burghs' (*Cart. of Brechin*, ii. p. 122; cf. *A.P.* v. p. 542). The words just quoted suggest that the payment of taxation was, in the reign of James III., regarded as a test of a Royal burgh, but there are several occasional instances of such payments by burghs which were not Royal and which never had a seat in Parliament. Why did St. Andrews, Brechin, and Glasgow obtain the privilege or bear the burden of representation as well as taxation? St. Andrews received from David II. fresh privileges which included a right over customs (*Mag. Sig.* i. No. 134), and from the end of his reign the custumars of St. Andrews pay dues to the Exchequer in the same way as the custumars of Royal burghs. This further association of St. Andrews with the Royal burghs might be regarded as part of the explanation, but, on the other hand, this

consideration does not apply to Brechin and Glasgow; and Arbroath, which received a similar privilege in 1392 (*Ibid.* No. 862), and the custumars of which paid dues to the Exchequer, was not represented until 1579.

Is the explanation to be found in hard cash? The proportion of taxation paid by Brechin, Glasgow, and St. Andrews may best be understood from actual instances. In 1535, when the Royal burghs of Rutherglen, Selkirk, Dunbar, and Lauder paid £22 10s. each, and the Royal burghs of Cullen, Nairn, and North Berwick paid £11 5s. each, Glasgow paid £67 10s., Brechin £56 5s., and St. Andrews £50; in 1545, when the burghs in the two groups just given paid £18 each and £9 each respectively, St. Andrews paid £80, Glasgow £54, and Brechin £45. Similar results are to be found in other stent rolls. The sums paid by the three ecclesiastical burghs are by no means the highest. Edinburgh always paid much more than any other burgh, *e.g.* in 1535 its contribution was £833, and in 1545 £666 13s. 4d.; next to it came Dundee, paying in the two given years £321 17s. 6d. and £337 9s. 7d., then Aberdeen (£315 and £252), and then Perth (£247 10s. and £198). Haddington, Stirling, Ayr, and sometimes Montrose, also paid more than any one of our three ecclesiastical burghs. But Brechin, Glasgow, and St. Andrews, each paying regularly more than any one of the larger number of the Royal burghs, were too important, and their aid was too valuable for the Royal burghs to despise them. Where a prosperous burgh bore the obligation of public burdens, it might equally well bear the obligation of attendance in Parliament. The difficulty about this explanation is that it applies equally to Arbroath and Dunfermline, which always paid their share of taxes, but were not represented until after the Reformation; and that Glasgow, which always paid more than Brechin, was not represented until eighty years after Brechin. It is possible that Arbroath, Glasgow, and Dunfermline may have been represented earlier in Parliaments for which we have no burghal lists; but between 1478 and 1558 (the dates of the first recorded representations of Brechin and Glasgow) we possess some sixteen separate lists of burghs represented in Parliaments, and the chances are that if these burghs had sent commissioners we should have some trace of them, as we have of so many others.

Whatever the explanation may be, it is certainly remarkable that under a constitution which adhered so tenaciously to the theory that only immediate vassals of the Crown should be repre-

sented in Parliament, these three ecclesiastical burghs should have sent commissioners to the Estates. St. Andrews is by far the most notable instance, for it was represented regularly from 1456. Not less remarkable is the security of their position among the Royal burghs. In the beginning of the seventeenth century, when the jealousy of non-Royal burghs was very great, and while St. Andrews and Glasgow had still their respective archbishops as their superiors, they were so little conscious of any weakness in their title that they entered into a dispute with Stirling, Linlithgow, and Inverkeithing about their precedence. The question came before the Convention of Royal Burghs in 1611 (*Rec. C.R.B.* ii. 315), and in 1612 the Convention gave a temporary decision, instructing the commissioners from Stirling, Linlithgow, St. Andrews, and Glasgow 'that nane of thame sitt doun in this present conventione quhill they be placed and called.' The commissioner for Linlithgow protested that the commissioner from St. Andrews had produced 'ane letter missive direct to the burrowes [*i.e.* the Convention] be the Archebischope thairof quhairin his lordschip calles himself superior and lord of that citie,' and he fortified himself by asking instruments thereon (*Ibid.* ii. 345, 401). We do not know how the dispute was settled, or whether attention was drawn to the same loose joint in Glasgow's armour. Long afterwards, in 1663, when the status of both St. Andrews and Glasgow was secure, a similar dispute was raging over precedence in the 'ryding at parliament,' and on that occasion St. Andrews and Glasgow were placed immediately after Stirling and Linlithgow.

We may sum up by saying that, while their wealth and importance and their regular contributions to taxation would have entitled five, and five only, of the burghs holding from a subject superior to the dignity and the burden of regular representation in Parliament, only one of the five (St. Andrews) can claim a continuous representation from the fifteenth century. Two (Brechin and Glasgow), while still burghs of regality or barony, had a continuous representation from the latter half of the sixteenth century, and two (Arbroath and Dunfermline) were not represented until about the time when they became Royal burghs. Their inferior status clearly delayed the representation of all of them, as compared with many much less wealthy and important Royal burghs; but there is no record of any opposition to their exercising what, by the end of the sixteenth century, had come to be a right rather than a burden, and this in spite of the fact that, by the constitution

of the kingdom, they possessed no such right. It is a curious paradox that, while Glasgow in 1558 asserted a non-existent right and was continuously permitted to exercise it, the smaller barons in 1560 asserted a claim with a much stronger foundation and did not succeed in establishing it for a quarter of a century.

ROBERT S. RAIT.

(To be continued.)

A Seventeenth Century Bishop: James Atkine, Bishop of Galloway 1680-1687

THE history of Scotland from the Restoration to the Revolution is mainly concerned with the struggle between Presbyterianism and Episcopacy, but there was one brief episode when the two sides combined in resisting a determined attempt by James VII. to re-establish the Church of Rome. His policy never had much chance of success, but it was promoted by methods which for a time intimidated most of the leading Protestants, laymen and ecclesiastics, and Bishop Atkine, the subject of this article, deserves to be remembered as one of a small group of fearless men, who braved the risks of opposition in defence of their Church. On the battlefield of Parliament they made a successful stand, and forced the King to follow the unconstitutional courses which brought Scotland into line with England in accomplishing the Revolution.

James Atkine was a younger son of Harry Atkine or Aitken,[1] Commissary of Orkney and Zetland, by Elizabeth Turnour his wife.

The Atkine family came from the neighbourhood of Culross in Fife. In 1541 John 'Atkyn' and his son William (the grandfather and father of Harry) obtained from the Abbey of Culross a lease of the lands of Burwane or Burrowin[2] lying about three miles north-west of the town, and five years later the holding was converted into a feu,[3] which remained in the elder branch of the family for several generations.[4]

Harry Atkine moved to Kirkwall in 1611 on being nominated Commissary by James Law, Bishop of the diocese,[5] himself a man of Fife. He was also appointed Sheriff-Clerk of Orkney. He

[1] The name is variously spelt; the Bishop signs 'Atkine' in the signature reproduced in Rev. J. B. Craven's *Church in Orkney, 1558-1662*, p. 206; his father was generally called 'Aitken.'

[2] *Laing Charters*, No 456.

[3] *Great Seal Register*, 1580-93, No 1111.

[4] *Inquisitiones*, Perth, No. 542.

[5] *Privy Council Register*, ix. 182.

acquired in feu the properties of Groundwater in the parish of Orphir and Hornersquy in the parish of St. Ola,[1] and remained in Orkney till his death in 1643.

The future Bishop was born about the year 1613, and received his early education at Kirkwall Grammar School. He graduated Master of Arts at Edinburgh on July 23, 1636, and studied divinity at Oxford in 1637-8 under Dr. John Prideaux, Regius Professor and Rector of Exeter College.[2]

He was at once plunged into the sea of ecclesiastical strife on appointment as Chaplain to James, Marquis of Hamilton, the King's Commissioner in Scotland, who had to face in November, 1638, the first General Assembly of the Church of Scotland which had met since the promulgation of Laud's liturgy—'a disorderly affair if ever any was,' as Bishop Burnet calls it.[3] Seizing the opportunity to attack the bishops, the Covenanters summoned them to appear. They refused the summons, whereupon, in spite of protests by Hamilton, who formally dissolved the Assembly, the Covenanting majority proceeded to deprive the bishops and demolish the whole fabric of Episcopacy.

On July 27, 1641, James Atkine was through Hamilton's influence presented by Charles I. to the living of Birsay and Harray at the north-west of the mainland of Orkney. He satisfied his trials before the Presbytery with a thesis *De invocatione Sanctorum*, and subscribed the Covenant, but notwithstanding appeals from the congregation the Presbytery delayed his admission because of a rumour that he had spoken against the Reformation. The evidence against him was based on a 'conferènce' between him and Mr. Patrick Waterstoun, junior, a brother minister. Mr. Waterstoun had trailed his coat with the remark that 'Episcopacie was anti-Christian,' to which Mr. Atkine made the guarded reply that 'many good divines thought the contrary.' As Mr. Waterstoun was notoriously quarrelsome and disputatious, the Presbytery wisely found 'nothing provin,' and they admitted Atkine to his charge on June 26, 1642.[4]

In February, 1647, while he was Moderator of Orkney Presbytery, a complaint against him was lodged by one John Sinclair before the General Assembly, who remitted it to the Provincial Assembly.

[1] Peterkin, *Rentals of Orkney*, No. 5, p. 5; *Orkney Sasines*, May 8, 1639.

[2] *Athenae Oxonienses*, Anthony à Wood, ed. 1813, iv. 871.

[3] *Memoires of James, Duke of Hamilton*, p. 27.

[4] *The Church in Orkney, 1558-1662*, Rev. J. B. Craven, pp. 205, 206.

No action followed for two years, so the Assembly instructed Mr. Andrew Cant to take measures for 'rypning a report,'[1] and in July, 1649, Atkine was deposed.[2] The nature of the offence is not stated in the records, but probably it was political, for next year he is found giving active support to Montrose's expedition on behalf of Charles II. Montrose landed in Orkney on March 26, and was received by the ministers of the Presbytery with an address of welcome composed by Atkine.

It set forth :[3]

'. . . We do from our soul detest that continual rebellion, maliciously hatched and wickedly prosecuted against his sacred Majesty of blessed and happy memory ; and do from our hearts abhor his delivering over to bondage, imprisonment, horrid and execrable murder, and all damnable and pernicious practices executed against him by the rebellious faction of both kingdoms ; The which we shall never fail hereafter to preach unto our people, and witness on every day of our calling ; and also of our fruitful acknowledgement, prayers and wishes for the happy establishment of His present Majesty unto all his just rights ; and particularly that it may please God to give a blessing to this present expedition of his Excellency, James Graham, Marquess of Montrose and Capt. General of his Majesty within the Kingdom of Scotland. All which we shall faithfully stand to advance, without giving the least thought or practice to the contrary. So help us God.'

This defiance was visited by the authorities with civil and ecclesiastical penalties. The whole Presbytery was deposed ; Atkine was excommunicated, and the Council of State issued a warrant for his arrest, but his kinsman, Sir Archibald Primrose, gave him timely warning to escape.

A letter to Sir James Sinclair of Murkle, dated [May] 6, 1650, states :[4] 'Our Governour, Sir William Johnstoune, hes takine ane shipp and gone to the sea with the wholl monitione and arteyllarie. . . . Mr. James Aickine [is] gon alongis with the Governour : they heave my Lord of Mortoun's wholl Jeualls and pleatt with them ; yit it hes pleassed God that the shipp that the Governour and his traine was in they ar rune on upone the

[1] *General Assembly Commission Records* (Scott. Hist. Soc.), i. 213 ; ii. 274.

[2] *Index to Unprinted Acts of Assembly*, session 11.

[3] *The Orkneys and Shetland*, J. R. Tudor, p. 583.

[4] *Wodrow MSS.* (Advocates' Library), fol. 67, no. 95.

Skerries of Skea in Wastray firth and will never winne off. I pray you doe that ye can to obtaine a warrand from the Leivtentant generall to tak them, since they ar so suir upone the Skerrie.'

However, the ship's company were taken off by a frigate and reached Norway, whence Atkine made his way to Holland. He stayed there for three years, and from 1653 to 1660 he was in Edinburgh,[1] but within three months of the Restoration he went to London to petition the King 'for presentation to the first benefit that shall be in His Majesty's gift.'[2] His petition stated that he had suffered excommunication, exile and loss of all his property for his loyalty, and he produced testimonials from Thomas Sydserf, Bishop of Galloway, the only surviving prelate in Scotland, and from Dr. George Morley, Bishop of Winchester, certifying that he was an able, blameless minister, and had been a great sufferer.

The petition had some effect, for he was at once presented to the Crown living of Winfrith, Dorsetshire, and on May 15, 1661, the Scots Parliament passed an Act ordering the Collector of vacant stipends in Orkney to pay him £100 sterling.[3]

Atkine's record as Rector of Winfrith during the next fifteen years is a blank; but his ambitions were by no means satisfied, and he continually pressed his claims to a bishopric. In 1676, on the death of the Bishop of Orkney, he induced the Bishop of Winchester to promote his candidature for the vacant see. The Duke of Lauderdale wrote to Archbishop Sharp on July 18:[4] 'Receiv heir inclosed a 2^{d} letter w^{ch} I have receavd from my Lord Bp. of Winchester. The trouthe is, I thinke, the great importunity of Mr. Atkins puts the good Bp. to all this trouble. He brings cõstantlie to me his own recõmendations. I have often said that I neither can nor will meddle, seing the King hath put the power of recõmẽding into better hands. . . . But nothing can put him off. Therfor I beseech yo^{r} Gr. to write to me whom you will pitch on to yo^{r} vacant Bpricks and thin we shall be quiet.'

Indirectly Atkine's importunity was successful, for though the Bishop of Moray obtained the see of Orkney, he was selected for the Bishopric of Moray. The *congé d'élire* was issued on September 9, 1676,[5] and his election took place on November 1.

[1] Scott's *Fasti*, iii. 393. [2] *S.P. Dom.*, 1660-1, p. 226. [3] *Thomson's Acts*, vii. 202 *b*.
[4] *Lauderdale Correspondence* (Scott. Hist. Soc. Miscellany, i. 275).
[5] *S.P. Dom.*, 1676-7, p. 318.

The appointment was received in the diocese with some misgivings. Alexander Brodie of Brodie, one of the leading laymen, wrote in his diary :[1] '1676, Oct. 14. I heard that the Chapter and ministers of this Sinod wer stumbld at Mr. Atkins who was namd to be Bishop and at his excommunication. . . . Nov. 3. I heard that the Chapter delayd to choos Aitkins to be Bishop becaus he stood excommunicat. But the votes wer equal except one.'

On May 9, 1677, the royal warrant was signed empowering the Archbishop of St. Andrews to consecrate and install him.[2]

His masterful character soon made itself felt. Brodie has an entry on July 4, 1678 :[3] 'I yesterday reaceavd a boasting letter from the Bishop, and answerd it as I could, but remitted it to Spini[4] if it might pass. The Lord restrain that man.'

His record, however, as Bishop of Moray, was that of 'a pious, respectable and prudent prelate, who kept his diocese in peace.'[5]

In consequence of a dispute with the Marquis of Huntly and the Earls of Moray and Dunfermline about the fishings on the Spey, these noblemen 'prevailed' to have him transferred, and accordingly he was appointed Bishop of Galloway in 1679. The *congé d'élire* is dated October 15, and he was provided on February 6, 1680.[6]

He was given a special dispensation to live in Edinburgh, 'because it was thought unreasonable to oblige a reverend prelate of his years to live among such a rebellious and turbulent people as those of that diocese were : the effects of whose fiery zeal hath too frequently appeared in affronting, beating, robbing, wounding, and sometimes murdering the curates.

'He had the oversight of the said diocese for seven years, which he so carefully governed, partly by his pastoral letters to the Synod, presbyteries and ministers, and partly by his great pains in undertaking a very great journey for a man of his age and infirmities to visit his diocese, that had he resided on the place, better order and discipline could scarce be expected.'[7]

[1] *Diaries of the Lairds of Brodie* (Spalding Club), pp. 368, 369.

[2] *S.P. Dom.*, 1677-8, p. 118.

[3] *Diaries of the Lairds of Brodie*, p. 400. This proves that his consecration was not delayed till 1679. See Dowden's *Bishops of Scotland*, p. 419.

[4] Alexander Douglas of Spynie.

[5] *Annals of Elgin*, Robert Young, p. 131.

[6] *Great Seal Register, Paper Register*, x. 141.

[7] *Athenae Oxonienses*, iv. 871.

The emoluments of the see appear to have amounted to £6264 Scots per annum, derived from the feu-duties and teinds of the Bishopric itself, the priory of Whithorn and the abbacies of Tongland and Glenluce.[1] In only two sees, those of St. Andrews and Glasgow, were the revenues higher.

It was no exaggeration to describe the state of the diocese as turbulent. Nowhere in Scotland had there been more determined resistance to Charles II.'s policy of forcing Episcopacy upon an unwilling people, and in the Bothwell Bridge rising of 1679 the men of Galloway took their full share.

Bishop Atkine was one of the signatories to four encyclical letters addressed by some of the Scottish Bishops to Archbishop Sancroft and his brethren of the English bench between July, 1680 and March, 1683.[2] The object of the correspondence was 'to transmit frequent accounts of our state and case, as God in his holie and wise providence shall order it, that we may have the benefite of your devout prayers, counsells and assistance.' Their Lordships refer to 'the unhappines and distraction of the tymes' and 'the dangerous impressions unreasonable men make upon the unitie and order of our Church'; and they transmit documents published by 'our most sanguinarie enemies' as evidence 'to what height of rage and furie these wicked schismaticks are arrived.'

In the light of subsequent events it is curious to note that one feature common to all four letters is an acknowledgment of the Church's debt to the Duke of York as Commissioner in Scotland. The Bishops write on March 9, 1683: 'Since his Royall Highneses comeing into this kingdome, we find our case much changed for the better, and our Church and order (which, through the cunning and power of our adversaries, were exposed to extrem hazard and contempt) sensiblie releeved and rescued; which, next to the watchfull providence of God, we can ascribe to nothing so much as to his Royall Highneses gracious owning and vigilant protection of us.'

Since 1662 the Bishops had seats in Parliament, and Bishop Atkine attended regularly. He signed the Declaration of the Estates in 1681 that leagues and covenants, and particularly the National Covenant and the Solemn League and Covenant, were unlawful; but this pronouncement proved a *brutum fulmen*, and

[1] *Register of Deeds* (Mackenzie), March 21, 1684.

[2] *Letters of Scottish Prelates*, ed. W. N. Clarke, pp. 13, 21, 25, 61.

early in 1682 drastic measures were taken for the coercion of Galloway. John Graham of Claverhouse, who had been employed there three years before in suppressing conventicles, was appointed Sheriff of Wigtownshire and commissioned to scour the country with his dragoons in search of fugitive rebels from Bothwell Bridge and generally to harass the Covenanters.

The absentee Bishop gave him what support he could. The Lord Clerk Register, Sir George Mackenzie (afterwards Earl of Cromartie) wrote to Lord Chancellor Haddo (afterwards Earl of Aberdeen) on October 11, 1682 :[1] 'The B. of Galloway is heer [Edinburgh], and tels me that the supporting of Clevres [Claverhouse] there is positively essentiall for the quiett of that Shyre, and thinks the consequences will be bad if that be not done, and that the doeing of it will bring that Shyre as weell to a reall and true as to outward submission.'

Though Claverhouse punished many prominent Covenanters, his mission had no real success in promoting conformity, and it may well be that the Bishop realized the hopelessness of the situation. At any rate next year he began canvassing for an expected vacancy in the see of Ross.

Claverhouse wrote from Edinburgh to the Marquis of Queensberry on October 12, 1683 :[2] 'I spok this day with the Bishop of Galloway to knou if there wer any hopes of his translatione, but he told me by what he could learn from the primat, Dumblean was fixed in Ross.' This forecast proved correct.

Bishop Atkine was inclined to ride at the top of his commission. Fountainhall mentions an instance :[3] '27 and 28 Novembris, 1684.—18 Ministers, being the Chapter of Glasgow, meit at Edinburgh (because the Bischop of Galloway, who is ther suffragan and conveiner, was not able to travell to Glasgow) and . . . choise Mr. Cairncrosse to be Archbischop of Glasgow. The 2^{d} Act of Parliament in 1617, with immemoriall possession, ordains the Dean of Glasgow to be *praeses* of that meeting, but the Bischop of Galloway usurped the office at this tyme.'

James VII. came to the throne in 1685, and next year started on his policy of Catholic emancipation designed to lead to Catholic supremacy. The Royal Letter, with which Parliament was opened on April 29, 1686, contained the following passage :[4]

[1] *Letters to the Earl of Aberdeen* (Spalding Club), p. 89.

[2] *Historical MSS. Commission—Buccleuch MSS. at Drumlanrig*, i. 285.

[3] *Historical Notices* (Bannatyne Club), ii. 576. [4] *Thomson's Acts*, viii. 580.

'Wee can not be unmindfull of others our innocent subjects, those of the Roman Catholick Religion, who have with the hazard of their lives and fortunes been alwayes assistant to the Crown in the worst of Rebellions and Usurpations, though they lay under discouradgements hardly to be named. Them Wee doe heartily recommend to your Care, to the end that as they have given good experience of their true Loyalty and Peaceable behaviour, soe by your assistance they may have the Protectione of Our Lawes, and that security under our Government which others of our subjects have, Not suffering them to lye under obligations which their Religion can not admitt of, By doeing whereof you will give a demonstration of the duety and affection you have for us, and doe us most acceptable Service.'

At the present day this appeal to toleration sounds moderate and harmless; but toleration is a plant that will not grow on a recent battlefield, and the King's proposals aroused intense indignation. The Government was strong: Lord Chancellor the Earl of Perth, and the Commissioner, the Earl of Moray, were recent converts to Rome, and the King had already impetrated from the Archbishop of St. Andrews and the Bishop of Edinburgh a declaration that it was reasonable to repeal the sanguinary laws against Papists, so far as they exercised their religion in private houses.[1]

During the first month of the session the Commissioner was active in securing a majority by the private use of threats, and the King sent down a letter to the Privy Council ordering the removal from office of Lord Advocate Sir George Mackenzie, Lord Pitmedden, a Lord of Session, and the Earl of Glencairn and Sir William Bruce, both Privy Councillors. 'Thir warning shots ware to terrify and divert other Members of Parliament from their opposition.'[2]

These methods were so far successful that in the last week of May the draft Act passed the Lords of the Articles—the legislative committee of Parliament—by eighteen votes to fourteen.[3] The Archbishop of St. Andrews and the Bishop of Edinburgh were, as might be expected, in the majority: Bishop Atkine, with his brethren of Glasgow, Brechin and Aberdeen, was in the minority. The last three prelates seem to have carried their

[1] *Hist. MSS. Com., Mar and Kellie MSS.*, p. 217.
[2] Fountainhall, *Historical Notices*, ii. 723.
[3] *Mar and Kellie MSS.*, p. 219.

opposition no further; but Atkine was not susceptible to pressure, and when the draft Act came before the full Parliament he was joined by the Bishops of Ross and Dunkeld and continued the fight. Though he was so enfeebled by age and sickness that he could not walk, he was carried daily to the Parliament House. The opposition stood firm, and on June 15 the session ended without the obnoxious measure having been passed.

Wodrow, who is seldom a witness friendly to Episcopalians, says:[1] 'It was but two or three at most of the bishops who had the courage to oppose the Court in this important affair. Some of them, ashamed to appear in so black a cause, chose to be silent or withdraw. The rest, contrary to their oath, office and plain interest, fell in with the King's darling design, and my informations bear, the chief of them were active for the removal of the penal statutes, which heightened the aversion the nation had for them. I hear Bishop Atkin of Galloway, an old man, made a noble stand, and died shortly after; otherwise probably he had been turned out. And Bishop Bruce of Dunkeld, who had a remarkable sermon at that time, much commended, opposed the [repeal of the] penal statutes, and was put from his office.[2] I find Bishop Ramsay of Ross used great freedom with the Commissioner, and came to no small trouble therefore.'

The sequel was that the King abandoned the attempt to deal with Parliament, and coerced the Privy Council into issuing proclamations to dispense with the penal statutes and to grant the Catholics the use of the Chapel Royal of Holyrood—measures which largely contributed to the Revolution so far as Scotland was concerned.

Bishop Atkine married, while minister of Birsay, Anna or Alison, daughter of Thomas Rutherfurd of Hunthill, near Jedburgh,[3] and had three daughters. They all married, and received provisions of 4000 merks each from their father.[4] Lillias, the eldest, married (1) Mr. Patrick Smyth, advocate, (2) Mr. George Cheyne, surgeon in Leith; Marion, the second daughter, married (contract dated September, 1678)[5] Mr. William Smyth, minister

[1] *History*, ed. Burns, iv. 365.

[2] The King deprived him on June 3, 1686, without reason assigned.—Fountainhall, *Historical Notices*, ii. 728.

[3] *Scots Peerage*, vii. 378; Special Service in the Sheriff Court of Roxburghshire, Nov. 14, 1648, where she is called 'Anna.'

[4] Fountainhall, *Decisions*, i. 552.

[5] *Register of Deeds* (Mackenzie), March 7, 1684.

of Moneydie, near Perth, a first cousin of Mr. Patrick Smyth; Alison, the youngest, married Mr. Duncan Robertson, Sheriff Clerk of Argyle.

Bishop Atkine died of apoplexy at Edinburgh on November 15, 1687,[1] aged seventy-four, and was buried in Greyfriars Churchyard. His widow lived till March, 1692.[2]

His episcopal seal bore the device—*Or*, a chevron *azure* between two cocks and a buckle *gules*.[3]

Various eulogies, both in prose and verse, were pronounced upon him. Wood says:[4] 'His death was sadly regretted by all good and pious men, who knew him to be a man of great reputation for his sincere piety, constant loyalty, singular learning[5] and true zeal for the Protestant religion.'

Dr. Archibald Pitcairn wrote an epitaph which was fixed on his coffin:[6]

'Maximus, Atkinsi, pietate et maximus annis,
Ante diem, invita relligione, cadis;
Ni caderes, nostris inferret forsitan oris
Haud impune suos Roma superba deos.'

An anonymous poet in the vernacular published a broadside of the usual exuberant style:

'Ah! art thou gone, thou great and gallant mind,
And has not left thy parallel behind;
Was in thy youth devouted unto God,
A pious bud of Aron's sacred rod;
In whom the mitre long with purity
Did flourish, and decor'd our dark'ned sky.

. . . . . .

So have I seen ane earlie riseing lark
Spring from her turf, makeing the sun her mark,
Raiseing her selfe aloft, yet higher, higher,
Till she had sung her selfe unto Heav'ns quire.
So did he rise in pray'r, and in a trice
His soule became a bird of Paradice;
Where now hee duells for ay, and doth supplie
A place in that celestial hierarchie.
There his Creatour and Redeemers sight
Inebriats him with intranceing light.' JOHN A. INGLIS.

[1] *Edinburgh Testaments*, March 6, 1688.

[2] *Greyfriars' Register*, where she is called 'Alison.'

[3] *Blazon of Episcopacy*, W. K. R. Bedford, p. 196.

[4] *Athenae Oxonienses*, iv. 872.

[5] In the inventory annexed to his testament his library is valued at 700 merks.

[6] *Selecta Poemata*, 1727, p. 3.

Military Papers of the Time of Charles the Second

THE originals of the papers printed below were found in a bundle, docketed 'Papers Anent the Militia,' containing some twenty documents, mostly rough scrolls, which appeared amongst a mass of seventeenth century deeds in the charter chest of the Marquess of Tweeddale at Yester, of the contents of which the transcriber is editing a Calendar for the Scottish Record Society. The old family history of the Hays says that Tweeddale (then second Earl, afterwards first Marquess), after his imprisonment in 1661, 'going to Court recovered himselfe so much in ye King's favour as to be nam'd on of ye extraordinary Lords of Session in ye year 1666, in ye year 1667 a commissioner of the Treasurie, & ye year 1668 a counsellour of England in which station he continued in great quiet till ye year 1674, in which year the Earle of Lauderdale being then Commissioner, & having made use of him in all the steps of his subaltern government begun to grow jealous yt he might carrie from him ye goodwill he had purchas'd in being instrumental with the King for disbanding the army after pentland & by the government of the Revenue with the assistance of Sir Robert Murray, so much to ye advantage of the croun & Kingdome yt ye Kings debts he contracted in Scotland being pay'd the expense of the goverment fully satisfied, the whole fees, & pensions payd, the Kings houses, & fortesses repair'd, the whole list of pensions pay'd punctually at ye term, & all precepts ye King drew answer'd as bills of Exchange, the magazins fil'd with arms & ammunition to serve 24000 men a militia setled wherin all the Noblesse & Gentry had command amounting to 20000 foot, & 2000 horse & they all arm'd, & yet no sesse lying upon the Countrey.' In fact at this period Tweeddale was virtual head of the administration in Scotland.

The following statement from the introduction to Dalton's *The Scots Army* may be quoted: 'The unfortunate dearth of

military records among the Scottish archives, between the years 1660-1667, and the total absence of commission registers relating to the Standing Army prior to December 1670, has been severely felt by those interested in the military history of the Restoration period. We all know how difficult it is to make bricks without straw.'

C. Cleland Harvey.

CHARLES R.

I. An Establishment for a New Regiment of Foot-Guards to his Matie consisting of six hundred Souldiers to begin from the first day of May 1662.

	PER DIEM. *l.*	*s.*	*d.*
Colonell as Colonell - - - - - - - -	00	12	00
Leivetenant Coll: as Leivt Colonell - - - -	00	07	00
Major as Major - - - - - - - - -	00	05	00
Chaplain - - - - - - - - - -	00	06	08
Chirŭrgion iiijs and one Mate ijs vjd - - - -	00	06	06
Quarter Master and Marshall to be executed by one Person	00	04	00
Totall - -	02	01	02
His Maties owne Company			
Captaine - - - - - - - - -	00	08	00
Leivetenant - - - - - - - - -	00	04	00
Ensigne - - - - - - - - -	00	03	00
Two Serjeants each att xviijd - - - -	00	03	00
Three Corporalls each at xijd - - - -	00	03	00
Three Drumers each at xijd - - - - -	00	03	00
One hundred and Twenty Souldiers each at xd p. diem	05	00	00
	06	04	00
Colonells Company			
Colonell as Captaine - - - - - - -	00	08	00
Leivtenant - - - - - - - - -	00	04	00
Ensigne - - - - - - - - -	00	03	00
Two Serjeants each at xviijd - - - - -	00	03	00
Three Corporalls each at xijd - - - -	00	03	00
Two Drumers each at xijd - - - - -	00	02	00
One hundred and Twenty Souldiers each at xd p. diem	05	00	00
	06	03	00

	l.	*s.*	*d.*
Leivetent Col: Company			
Leivetenant Coll: as Captaine - - - -	00	08	00
Leivetenant - - - - - - - - -	00	04	00
Ensigne - - - - - - - - -	00	03	00
Two Serjeants each at xviij^{d} - - - - -	00	03	00
Three Corporalls each at xij^{d} - - - -	00	03	00
Two Drumers each at xij^{d} - - - - -	00	02	00
One hundred Souldiers each at x^{d} p. Diem - -	04	03	04
	05	06	04
Majors Company	*li.*	*s.*	*d.*
Maior as Captaine - - - - - -	00	08	00
Leivtenant - - - - - - - - -	00	04	00
Ensigne - - - - - - - - -	00	03	00
Two Serjeants each at xviij^{d} - - - - -	00	03	00
Three Corporalls each at xij^{d} - - - -	00	03	00
Two Drumers each at xij^{d} - - - - -	00	02	00
One hundred Souldiers each at x^{d} p. Diem - -	04	03	04
	05	06	04
Two other Company's	*li.*	*s.*	*d.*
Two Captaines - - - - - - - -	00	16	00
Two Leivtenants - - - - - - - -	00	08	00
Two Ensignes - - - - - - - -	00	06	00
ffower Serjeants each at xviij^{d} - - - -	00	06	00
Six Corporalls each at xij^{d} - - - - -	00	06	00
ffower Drumers each at xij^{d} - - - - -	00	04	00
One hundred and Sixty Souldiers each at x^{d} p. Diem	06	13	04
	08	19	04

	PER DIEM. *li.* *s.* *d.*	PER MENSEM. *li.* *s.* *d.*	PER ANNUM. *li.* *s.* *d.*
The Totall is -	38 : 00 : 02	952 : 04 : 08	12413 : 00 : 10

(NOTE. In the original, which is a large sheet of parchment signed at the top by the king, the wages are given in three columns, per diem, per mensem, and per annum, but only one is transcribed above. This appears to be the earliest known official document anent the corps now called the Scots Foot Guards.)

II. LIST OF OFFICERS FOR THE MILITIA And overturs theranent whereof the principal sent to E(arl) lawderdale. jully 20 1667.

Proportions of shires for levying 20000 foot, & 2000 hors.

Roxburgh & selkirk 1333 foot 148 horse

Cols foot D(uke) Buccleugh
E(arl) Roxburgh
Lievt Col. S^{r} Francis Scott[1]
lievt^{t} Col. Macairston
Ma(jor)_____[2]
Ma._____

Troops of hors
Duke of Buccleugh and L(ord) Newbatel

Barwickshire 800 f. 74 h.	Col E(arl) Hume L. Col. Plandergaist Ma._____ [3]	Troop Polwart
Edinburgh 800 f. 74 h.	Col E(arl) Laud(erdale) L.C._____ M._____ [4]	Troop L(ord) Ramsey
Hadington 800 f. 74 h.	Col E(arl) Tweedd(ale) or l(ord) y(ester) L.C. Linplum M._____ [5]	Tr(oop) Sr J. Hamilton or L(ord) kingston
Linlithgow & peebles 600 f. 71 h.	Col E(arl) Winton L.C. E(arl) Lithkow or Blackbarrony [6]	Troop Lord Torphichen Blackbarrony or Sr James Primrose [7]
Edinb(urgh) leith & Cannygate 800 f.	Provest for the time being C(ol) S. A. Ramsey or Col lothian L.C. Coll. Lothian Ma._____ [8]	The P(rovost) of Edr for the tyme being
Dunfreiss 800 f. 88 Hors.	Col E(arl) Annandale L.C. Craigdaroch M._____ [9]	Tro. L(ord) Drum- langrig
Wigton 800 f. 88 H.	Col. L(ord) kennedy or L(ord) Garles E(arl) Galoway L.C._____ Ma._____	Troup sherife of galoway [10]
Air & Ranfrew 1333 f. 176 h.	Col. E(arl) Eglinton & E(arl) Glencairn or L(ord) Loudon L.C. Sr Jo. Shaw of Greinock L.C. Sr Jhon Cochran of ochiltree M._____ M._____	Tr. L(ord) Ross & Mr of Cochran Lord bargany [11]
Lanerigh 1000 f. 148 h.	Col. D(uke) Hamilton L.C. Sr Thomas Hamiltone Ma._____	Troops Marquis of Douglas [12]
Sterling & Clack- mannan 666 f. 88 h.	Col. E(arl) Calander or Amont L.C. Laird of Buchanan M._____ [13]	Ld. Cardros Tr. illegible or Polmeis

Fife & kinros 1600 f. 176 Hors.	Col^{s} E(arl) Rothes & E(arl) Weims E(arl) Kellie L.C. Laird of Ardros L.C. S^{r} James Lumsdain yonger M._____ M._____ [14]	Troops E(arl) Kelly Weims E(arl) kincardin
Perth 1600 f. 176 h.	Col^{s} E(arl) Athol and E(arl) Perth Montros L.C. Inchbraiky L.C. Glenurchy M._____ M._____ [15]	Tro E(arl) Tullibairn Perth L(ord) Madertie E(arl) Tullibairn
Forfar 1000 f. 103 H.	Col. E(arl) Kingorne E(arl) Southesk or L(ord) Carn(egy) [16]	Airly or Dundie Tr. E(arl) panmure
kincardin & part of Aberd(een) 800 f. 74 h.	Col. E(arl) Marshal L.C. G : keith M._____	E(arl) Panmure Tr. G. keith
Aberdeensh(ire) & Bamf 1066 f. 176 H.	Mar Col. E(arl) Airol L.C._____ M._____ [17]	E(arl) Mar Tr. L(ord) Fyvie
Elgin, Nairne, & part of Invern(ese) 1000 f. 88 h.	Col. E(arl) Moray L.C. Laird Innes M._____	Tr. Innes Lord Dŭffus
Invernese seof(?) & louit 666 f. 88 h.	Col. E(arl) Seafort L.C. silas Makingee M._____	Tr. L(ord) Louit
Sutherl(and) kaithn(ess) and rest of Inver- n(ess) 1066 f. 88 h.	C. E(arl) kaithness L.C. dumbeth M._____	Tr. L(ord) Strathnaver Innis of sansid
Argyle Dunb(arton) & but 800 f. *& the lands holding of E(arl) Argile in the shir of Invernes *	Col. E(arl) Argyle L.C. leghinyell M._____ [18]	

Orkney 666 foot Col. E(arl) Morton
L.C._____
Ma._____ 19

The Majors to be sogers of fortine & nominat by the Collonels.

The Captains to be nominat by the collonels wt advice of the comissioners of [Assessment] *the Militia* who ar to be [declared Comittees of war] the justicis of pac.

The leivtenants Cornets And Ensings

It wilbe for that the Justices of peace be declaired Comittees of Warre for it is hopd the Comissrs of Assesment will expyre. The Justices of peace are a constant court & the nomination of the persons always at his Maties pleasure, to change or add.

The establishment of the forces to be thus. All Generall officers to be cut off. The Col. and staff officers of Hors to be cut off & the Troops left independent & to be upon occasion commanded & required as his Majesty shall please. And the pay being reduced to that of 1649 the monethly expence at 12 Moneths in the year will not exceed 25000 lib to all the forces now on foot reckoning 150 horse at one forth more than the rest.

The whole forces to be payed according to the present establishment till the end of June 1667

*The Militia to be subject to noe comand bot the [General] colinel and the general when in the filds & not to be subject to a court Marshal nor the Articles of war [except when in the filds] that all difficultys Ariseing anent the levieing arming and maintaning, or any thing which may concerne the Melitia both hors and foot be referred to the priviee councel.

to remember [that] the story of Mr of Ramsay.

That [Military imployments doe] officers & souldiers be not eximpted from the executione of law ethir in cassis criminal or civile [&] or for payment of ther debts.

[In] That all casis of complaints betueen the country & souldiers that they be judged by the ordinar courts and judicators as the wer formerly befor any forcis wer levied and that the country peopel mak ther aplications to the respective judicators for that effect only.*

Note. The words enclosed in square brackets have been deleted, and the parts between the asterisks added later.

Another "List of the shyres & Princ[ll] officers of the Militia," 1674, agrees with the foregoing in the main, although it does not mention the numbers of the foot and horse, and gives the following further information:

1. Sr James Scot of Thirlstane, Lievt Colonell;
2. George Pringle of Corsouth and Robt Ker of Newhall, Majors;
3. Alexr Home of Huthill, Major;

4. Sr John Nicolson, Leivt Colonell; and Sr John Cowper, Major;

5. Sr James Hamilton, Major;

6. Murey of Blackborronie yor Leivt Colonell; James Cornwall of Bonhard, Major;

7. Ch. Maitland of Halton, Captain of Horse.

8. Col. James Hay, Leivt Colonell; and Sr And. Ramsay yor Major;

9. Sr Rot Dalyeel, Leivt Colonell; and John Dalyeell son to Carnwath, Major;

10. Wigton & Kirkcudbrit Lord Maxwell and Lord Garlees, Capts. of Horse, the other officers' names not filled in;

11. E. Eglinten, E. Cassills, and Mr of Cochran, Capts of Horse, the other officers' names not filled in;

12. D. Hamilton, Mr of Carmichell, and Sr Th. Hamilton of Preston, Capts. of Horse, the other officers' names not filled in;

13. Laird of Touch yor Major;

14. Earl of Rothes and E. Weymes, Cols., Leivt Col. as before, James Law of Brimton and George Halson of Cragton, Majors, E. Kincardine and Lord Newark, Capts of Horse;

15. E. Atholl & E. Pearth, Cols., Glenurchie yor & Jnchbraikie Lt Cols., Murey of Achtertyre & John home of Argatie, Majors, E. Tullibardine & Leivt G. Drommund, Capts of Horse;

16. E. Southesk, Col., Ja. Carnagie of bonanno? Lt Col., Jas. Grahame of Monargo, Major, E. Aerley & E. Kinghorne, Capts. of Horse;

17. Kincardine Aberdeen and Bamfe—E. Marshall & E. Erroll, Colonells of foot, Ger. Keith his brother & Sr Jo. Kieth Knigt Marll Lts Col., Arthur fforbes of brux & Jo. Straichan of Moulcthy, Majors, Vist Arbuthnett, L. ffyvie, & Laird of Philorth yor Capts of Horse;

18. Laird of Luss, Lt Col., Meinzies of Culdards, Major;

19. Inverness, Caithness, Sutherland, and Orkney are not given in this list.

Parliament had offered to raise a militia of 20,000 foot and 2,000 horse in 1663, which the King accepted on the 29 April, 1668, the draughts of his letter and instructions being among the documents in this bundle. His list does not include Dumfries, Wigtown, Ayr & Renfrew, Lanark, which were settled on the 13th August; Dumbarton & Bute, and Aberdeen & Banff which were settled on the 29th Sept.; nor Elgin, Nairn, Inverness, Sutherland, Caithness, and Orkney, which apparently had no militia.

The two lists of 1667 and 1674 are fuller than those in the Privy Council Register.

III. Informatione concerning the setling and ordering the Militia of Perthshire (1667).

Seing ther are tua Regiments of foot to be Levied in Perthshyre One whereof under the Comand of the Marques of Monterose and the Laird of Glenurchy as his Lew^{t} Coll. And the other by the Earle of Atholl and Inchbreckie as his Lew^{t} Coll. It will be necessar for avoiding differences and animosities the saids tua Regiments be proportioned and raised in maner following viz:

The Marques of Monterose his Regiment out of the presbetrie of dumblaine consisting of paroaches - - - - - - -	12
The presbetrie of Ochterardor consisting of paroaches - - -	15
The paroaches of Methven, Tippermoore, Rind, Regortowne, Forteviot, Forgondeine, dumbarnie, Dron, Abernethie, Aringosk and Oruall being a pairt of the presbetrie of Perth Lying nixt and contiguous to the presbetrie of Ochterardor consisting of paroaches	11
The Lairds of Glenurchy and Lawds ther Lands in the paroaches of Weem and dŭll w^{t} Glenlyone Glenquaith and Strabraane Killin and Kenmoir paroaches being very litle more then Tŭa paroaches	02
Suma paroaches for the Marques of Montrose - - -	40

For the Earle of Atholl his Regiment the whole other halfe of the shyre viz.

Dundie presbetrie Lying in Perthshyre Jncluding Jnnergowrie consisting of paroaches - - - - - - - - - -	07
The rest of Perth presbetrie besydes these in the other divisione consisting of paroaches - - - - - - - - - -	11
The presbetrie of Megill w^{t} in Perthshyre consisting of paroaches -	05
Jn dunkell besydes what is in the other divisione consists of paroaches	18
Suma paroaches for the Earle of Atholl - - - -	41

Reasones for this divisione

1°/ This divisione is most equall every way, for both regiments will consist both of highlands and Lowlands And the divisiones ly so proportioned as will give the most generall satisfactione to the shyre.

2°/ In the Marques of Monteroses divisione ther is some very litle of the Earle of Atholls interest which cannot be weill avoided Jn respect of the Lying of the Countrey And in the Earle of Atholl his divisione Ther are some of the Earle of Argyll & his freinds Jnterests wpon the same reasone.

3°/ It wes alwayes ane uncontraverted prin^{ll} in Levieing the highlands & countries bordering ther w^{t} as a most effectuall expedient for promoveing the Kings Service at all tymes so farr as wes possible And the mapp of the Countrey could allow off That the tennents and others wer comanded by ther LandsLords & cheiff or others appointed by His Matie. Whom ther inclinatione should Lead them most to follow And which is neir observed in this divisione as possible ffoir the Marques of Montrose his own Jnterest and the Earle of Argylls The Earle of Menteith The Earle of Murray and some of the Earle of Perthes My Lord Cardroise & severall other noblemen

and gentlemen wt the greatest pairt of the Lairds of Glenurchy, Lawdis, Edinainple, Glenlyone & other gentlemen freinds & vassalls of the Earle of Argylls who have the speciall in the highlands wt in the marques of monteroses division and who doe all cordiallie Jnclyne to be in his divisione as Coll. and Glenurchy as Lewt Coll and they more willing to comand that divisione then any other.

And in the other divisione foir the Earle of Atholl as it hath ane equall mixture wt the other of highlands & Lowlands So also his whole interest (excepting a very litle) Js inclined wt the rest of the Earle of Argyll E: of Perthes interests the interest of the Earles of Kinghorne Northesk Midletoune the viscount of Stormonth Lord Cowper & severall other noblemen & gentlemen who are considerable such as are the Lairds of Weem, grantullie, Balhowsie & some gentlemen of the name of Campbell & others who ar it is thought will be aboundantlie satisfied to be in the Earle of Atholls divisione as Coll. and Jnchbreckie as Lewt Coll.

Jf this modell & method be not followed it will occasion extream much confusione & disordor nor can ther be such effectuall or cordiall service expected nor can the animosities & differences be other wayes setled Which other wayes would inevitablie ensue.

IV. Ane Establish: for 3 troups of horse And 100 foot sent to Earle lawd. (Lauderdale) the 14 Agust 67.

Foot	a day	The whole	
20 Capt. - -	3 0 0		
20 Lieut. - -	1 5 0	a day	34 1 8
20 Enseigns - -	1 0 0	a week	238 11 8
20 Sergeants -	1 6 8	Monith of	
30 Corporalls -	1 10 0	28 dayes	963 5 0
20 Drummers -	1 0 0	12 Moniths	11559 0 0
2000 Sogers - -	25 0 0		

		The whole	
Colonel - - -	0 10 0	a day	1 4 0
Lieutt Col. - -	0 5 0	a week	8 8 0
Maior - - -	0 3 6	Monith of	
Prou. Marshall -	0 3 0	28 dayes	33 12 0
Quarr Mr - -	0 2 6	12 Moneths	403 4 0

Horse		The whole	
3 Cap. at 16s. -	2 8 0	A day -	29 2 0
3 Lieutt 8.0 -	1 4 0	a week -	203 14 0
3 Cornets 7.0 -	1 1 0	Moneth of	
3 Qr 4.0 -	0 12 0	28 dayes -	814 16 0
9 Corp. 3.0 -	1 7 0	year	
180 Tr. 2.0 -	18 0 0	12 Mont. -	9777 12 0
60 1.6 -	4 10 0		11559 0 0
			403 4 0
			21739 16 0

V. Establistment For the Militia projected Agust 28 1668.

Establismint of the Militia

for A regiment of foot.

	ll.	*sterling.*	
A Major to haue 2 months pay at 5 shill. a day & 28 days to the month is - - - - - - - - -	14	00	0
20 leivtenants to haue a months pay at 4sh. per diem is in 28 days to each leivt. 5ll. 12s. in all is yearly - -	56	00	0
23 Sergeants to haue a month pay at 18d. per diem is to each of them in 28 days 21l. 2s. inde to the hole yearly	48	06	0
12 Drumers to haue a months pay at one s. per diem is to each of them in 28 days 28 shillings inde to the hole yearly - - - - - - - - - - -	16	16	0
	135	02	0
	ll.		
this charge for 15 Regiments of foot Amounts to - -	2011	10	0

For a troup of horse.

	ll.		
A leivtenant to horse two months pay at 10s. per diem 28 days is - - - - - - - - - -	28	00	0
A cornet to horse on months pay at 9 shill. per diem is 12ll. 12s. J say - - - - - - - -	12	12	0
A trumpet two months pay at half a croune a day in 28 days is 3ll. 10 inde for two months - - - - -	07	00	0
	47	12	0
This charge for 22 troups of horse will amount to yearly -	1047	04	0
Inde of Both - - - - -	3058	14	0

the pay of the chanclors troup is yearly 4597ll. 12. 0.

VI. Establishment for 3 new Troopes.

With the Account of what the Militia of cledesdaile Air & galloway will cost these shyrs. (28 Aug. 1668.)

Capt. 6s. per diem & 2 horse - - - - -		10*s.*	
lieut[t] 4s. & 2 horses or —— - - - -		7	
Cornet - - - - - - - - -		6	
Quart[t] M[r] - - - - - - - -		4	*d.*
Corporalls each 2sh. 8d. two of them - - -		5	4
Trumpet - - - - - - - - -	*li.*	2	—
Troopers 16d per diem for 50 - - - -	3	6	8
	5	1	0
Three Troopes - - - - - - - -	15	3	—

on troop per month of 28 dayes 141li. 8s. 12 moneths - 1696*li.* 16*sh.*
3 Troopes of 150 hors per annum - - - - - 5090 8*sh.*

Lanrick shire Militia will cost the first year	*li.*	*sh.*	
Muskets for 640 men at 11sh. 6d. a pece will cost	368	0	
pikes for 360 at 4sh. 6d. a pece - - -	81	0	
pistoles for 148 horse at 1li. 2sh. 6d. - - -	167	15	
5 dayes pay 1000 foot at 6d. a day - - -	250	0	
4 dayes for 148 at 16d. a day - - - -	44	0	
	910	15	0

Galloway.	*li.*	*sh.*	
Muskets 520 - - - - - -	299	0	
pikes 280 - - - - - - -	62	0	
Horsemen pistoles 88 pair - - - -	99	0	
5 dayes for 800 foot - - - - -	100	0	*d.*
4 dayes for 88 horse - - - - -	23	9	4
	581	9	4

Air.			
Muskets 878 - - - - - -	504	7	*d.*
pikes 455 - - - - - - -	102	7	6
pistoles 176 - - - - - - -	198	—	—
5 dayes 1333 - - - - - - -	166	12	6
4 dayes 176 horse - - - - - -	46	18	8
	1018	05	8

Aditional charge.

Clidsdale.			
198 horse 20li a pece - - - - -	2960	0	0
In inglish money yearly - - - - -	246	15	0
to the horse men one - - - - -	592	00	0
for cornets Colours drums and trumpets - -	66	00	0
to the drumers yeirly - - - - -	10	00	0
	914	15	0

VII. Tweeddale Account Book, 1663-1676

Oct. 1668

		li.	*s.*	*d.*
Sadles for the Militia	To Geo. Childers sadler for 7 pad sadles for yr. Lops. troupe horse to ye militia wt all furniture whereof 3 to east Lothian shyre & 4 to Tweeddale shyre at 10ll. 16s. ye peece - - -	75	16	0
Swords & belts to ye pnt. militia	24 swords for yr Lops. proportion of ffoot & horse for east loathian & tweeddale shyre qrof 12 sent to each of them at 4ll. 10s. ye peece is 100ll. and 24 belts at 12s. peece 14ll. inde - -	122	08	0

Nov. 1669

Robt. Mill mercd for armes to ye militia	To him for musketts pistolls hulsters bandeleirs and uther armes for your Los. proportion of foote and horse Jn the shyres of east louthean mid louthean tueddale and forrest as by accompt and receipt - - - - - - -	693	13	04
Alexr Hay for pikes	to him for pikes and particulars for your los. proportion of the shyres as above as pr. accompt and Receipt - - -	108	17	04

April 1670

Militia Hattes for East louthian schyre	To James broune haberdasher for 44 hates for your los militia souldeours Jn East louthiane schyre at 30s. the pec. -	66	00	00

29 June 1673

Militia horse	To the militia horsemen in Tueeddale and mid louthian - - -	04	16	00
gunpoŭder	ffor a pound and a half of gunpouder to them - - - - - -	01	16	00

July 1674

Militia	To 26 militia footmen 3 days pay -	23	08	00
	To 3 horsemen for eastloathian 5 days pay	13	10	00
	To one horseman for midlothian one day	00	18	00

Some Medieval House-Burnings by the Vikings of Orkney

INHABITED house-burning or slaughter by arson was resorted to in Viking feuds of old, and was sometimes accompanied by the appropriation of all the valuables which could be laid hands on.

The following account of some eleventh and twelfth century 'burnings' in Orkney, Shetland, Caithness and Sutherland—the old Norse earldom—and in Scotland and England, is taken from the *Orkneyinga Saga*, *Flateyjarbók* and *Hákonar Saga*. The Orkney Saga is the sole continuous historical record of the north of Scotland for the three centuries, 872–1171. As the Saga only chronicles the burnings in which the earls and chiefs were concerned, these were probably a small percentage of the whole.

A favourite amusement, and sometimes a spiteful trick, among the youth in the north to-day is to go to a cottage at night, fasten the doors, block the chimneys and thereby give the inmates a good smoking. In addition to the smoke of the house-fires, other manufactured smoke of a disagreeable odour is plentifully blown into the house through any convenient hole. This may be the modern offspring of the ancient burnings.

Icelandic burnings will be familiar to readers of Dasent's *The Story of Burnt Njal*, which is a translation of the Icelandic *Njáls Saga* or *Njála*. The Icelandic name *Njál* was borrowed from the Gaelic *Niall*, and the Icelandic form was borrowed into English as *Nigel*, *Neil*, whence *Nelson*, etc.

Slaughter by house-burning was practised by all the Scandinavian races and by the Gaels in Ireland, whence came many of the Norse settlers in Iceland, thoroughly imbued with this form of petty warfare.

In old Norse law, the technical legal term for slaughter by arson is *brenna*, burning (*e.g.* 'Njáls brenna'), or *brenna inni*, to burn [one alive] in [one's house]; an arson-murderer was called *brennumadhr*, burning's man, and when he was outlawed he was termed

brennu-vargr, 'burning's wolf,' an incendiary. A legal action for burning was termed *brennu-mál*, burning's process.

The first five burnings on record took place during the rule of Earl Thorfinn the Great (hinn ríki), 1014–1064. This earl was almost a pure bred Gael, through his Gaelic mother, grandmother and great-grandmother.

I. Muddan's Brenna, 1014/30.—Earl Thorfinn held Orkney and Shetland in fief from Norway, and Caithness and Sutherland from Scotland. His mother was a daughter of Malcolm II., King of Scots. When the succeeding King of Scots demanded tribute from Earl Thorfinn for Caithness, the latter promptly refused, as he looked upon Caithness as his maternal inheritance. Whereupon the king transferred the earldom to Earl Muddan, who took up his residence in Thurso with a great force. Earl Thorfinn's friend, Thorkel, went, by stealth, to Thurso, seized Muddan's house and set it on fire. Muddan slept in a loft, and as he leapt down from the balcony of the loft (*lopt-svalir*),[1] Thorkel hewed at him, struck him on the neck (*háls*, halse), and took his head off. Many men were slain, some fled and others surrendered and got peace.

II. 'South in Fife,' 1014/30.—Earl Thorfinn carried the war into the enemy's camp and devasted 'south in Fife.' This expression 'south in Fife' occurs also in the old lay of Gudhrun in the *Poetic Edda*, a coincidence which has been noted by Vigfussion. The Scots, after craving for and getting peace, played the earl false, with the result that, the inhabitants having fled to the woods and forests, he burned all the thorps and homesteads in that district, so that not a cot remained. All the able-bodied men were slain, many were taken captive and put in bonds. In the words of Arnór, 'the earls' poet' (of which the following is a literal translation):

> Destroyed were the homesteads when he burnt—
> Failed not that day danger,
> Lept into the smoky thatch
> Red fire[2]—the Scots' dominion;
> The slaughter-master dealt to men
> Harm; in one summer
> Got they, by the prince,
> Three times worsted.

III. In England, 1037/45.—Earl Thornfinn and his joint-earl

[1] An external balcony to the upper floor or loft of a Norwegian wooden house.

[2] The parenthesis: 'Failed . . . fire,' is characteristic of old Norse verse.

and nephew, Rögnvald, sometime in 1037–1045 (when King Hardicanute was away in Denmark), made an expedition into England, to avenge an indignity he had received from the English the previous year. Here he fought and won a great battle on a Wednesday morning,[1] and then fared far and wide over England and harried and slew men and burned the habitations wherever he went.

IV. Thorfinn's Brenna, 1046.—Mischief-makers succeeded in estranging Earl Thorfinn (who ruled Caithness) from his joint-earl and nephew, Rögnvald (who ruled Orkney), with the result that they came to blows. Earl Rögnvald, who had been in Norway, returned to Orkney unexpectedly, and came unawares upon Earl Thorfinn at night. He made fast the doors of the house. Most men had gone to sleep, but Earl Thorfinn sat up drinking. Earl Rögnvald bore fire to the homestead and it was soon on fire. Earl Thorfinn advised his men to get what terms they could, with the result that the women and thralls were allowed to come out. Earl Rögnvald said that Earl Thorfinn's bodyguard would be no better to him alive than dead, and so they were burnt. However, Earl Thorfinn broke through a wooden partition at the back of the house and escaped with his wife in his arms. It was pitch-dark without any moon (*nidh-myrkr*), and Thorfinn got away unseen under cover of the smoke and darkness. He rowed in a boat, alone, that night over to Caithness. Everyone thought that he had been burnt in the house.

V. Rögnvald's Brenna, 1046.—Earl Rögnvald now took possession of the islands. Just before Yule he went from Kirkwall, with a large company, to an island to get malt to brew for Yule. Here they were to remain all night. In the evening they sat long over a baking fire (*bak-eldr*, a fire at which to bake the body and limbs). The person who kindled the fire remarked that the firewood was getting low. Then the earl made a slip of the tongue (*mis-mæli*), he said, 'Then are we *full-old* when these are burnt,' he had said 'full-old' (*full-gamlir*) instead of 'full-warmed' (*full-bakadhir*). When he discovered his slip, he remarked that he had never made one before and related what King Ólaf had said to him at Sticklestead, when he had caught the king making a slip, 'If it ever so happened that I should make a slip in my speech I should not expect to live long after it. It may be

[1] Called in the Saga *Yggsmorgin*, Yggr being one of the names of Odhin.

that my kinsman Thorfinn is still alive.' At that moment the house was surrounded by Thorfinn and his men, who bore fire and laid a pile before the door. All the inmates were allowed to escape except the earl and his men. When most had come out, a man came to the door, clad in a linen garment, and bad Thorfinn to lend a hand to the 'deacon'; but, at the same time, he steadied his hands on the balk (a wooden bar across the doorway) and leapt out over the balk and over the heads of the ring of men, so that he landed far outside of them and disappeared in the night-mirk. Thorfinn recognised Rögnvald's agility and ordered his men to give chase. One went along the seashore and heard a dog barking—Rögnvald had his lap-dog (*skikkju-rakki*) with him, which betrayed him—and there the earl was found and slain among the rocks.

Earl Thorfinn remained on the island all night, and next morning he slew those men who had escaped. He then rowed to Kirkwall, making it appear as though he were Rögnvald returning with his malt. Here he was met by Rögnvald's men, unarmed, who were forthwith seized and slain.

Earl Thorfinn ended his days as sole earl. He visited Rome in the same year as Macbeth, and built the first cathedral in Orkney at Birsa, where he died in 1064. His widow, Ingibiörg, married King Malcolm III., and was the mother of King Duncan II.

VI. Thorbjörn's Brenna, 1108/16.—In the early years of the joint rule of Earls Hákon and St. Magnús, they were friendly and acted together. The Saga quotes a now lost poem (*kvædhi*) which had been composed about them, as to their having taken the life of Thorbjörn in Burrafirth in Shetland, a nobleman of good family but defective morals. The Saga then relates that, in accordance with hearsay, the earls took Thorbjörn's house and burnt him inside (*brennt hann inni*).

Svein Ólafsson or Ásleifarson (1128–1171), commonly, but erroneously, called 'the last of the Vikings,' is the central figure in the following series of burnings, No. VII.–X. and XIII. The Saga describes him as 'the most masterful man in the Westlands, both of old and now, of those who had no higher rank than he.'

VII. Ólaf Hrólfsson's Brenna, 1136.—This, the first of a series of burnings in a great feud, can be traced to the rivalry of the two half-brothers, Earls Pál the Silent (*úmálgi*) and Harald the Smooth-speaking (*slétt-máli*) sons of the former Earl Hákon.

Earl Harald met his death through donning the famous poisoned or bewitched garment which his mother had intended to be the bane of his half-brother, Earl Pál, and for which Earl Pál promptly cleared his step-mother Helga and her sister Frakök and all their crew, bag and baggage, out of Orkney. They returned to their home in Caithness where they spent the remainder of their days in plotting and mischief.

Ólaf Hrólfsson, of Duncansby, was Earl Pál's steward and representative in Caithness and had also estates in Orkney.

In 1136, Ólaf fought, along with Earl Pál, in a sea-fight against Ölvi the Unruly (*rosta*), the grandson of the deported Frakök, who was in league with another rival earl, Rögnvald, to turn Pál out of the earldom. Ölvi was defeated but escaped.

In the same year, three nights before Yule, Ölvi took Ólaf by surprise and burnt him and six of his men, alive in his house at Duncansby and took everything of value which he could lay his hands on.

VIII. Thorkel's Brenna, 1136.—Svein Ólafsson was henceforth called Ásleifarson after his mother. That Yule, in which his father was burnt, he spent with Earl Pál at Orfir in Orkney. His brother Valthjóf (Waltheof) was drowned on his way to this same feast. During the festivities Svein quarrelled with his namesake, Svein Breastrope (*brjóstreip*), and slew him. As Svein fled the country, without atoning for the manslaughter, he was outlawed and his estates confiscated by Earl Pál. The farm which his brother Valthjóf had owned was given by the earl to Thorkel Flat or Flake, because he had found out and told the earl where Svein was in hiding.[1] Svein's kinsmen, Jón Wing (*vængr*) of Hoy and his brother, Richard of Stronsey, burnt Thorkel and nine men inside Svein's brother's house and thereafter transferred their allegiance from Earl Pál to his rival earl, Rögnvald.

IX. Frakök's Brenna, 1139/48.—When Svein was outlawed, the Bishop of Orkney sent him to Holdbodhi Hundason in Tyree. From there he went to Atholl to visit Earl Maddadh and his wife Margrét, a sister of Earl Pál and the daughter of Earl Hákon and Helga. Svein now set to scheming with the enemies of his former earl, Pál, and promised to aid Margrét in getting her son Harald made Earl of Orkney, which he ultimately brought about. From Atholl he went to Thurso, and there met Earl Óttar (the brother of Frakök), by whom he was compensated for

[1] Thorkel was nicknamed *flatr*, flat, and *flettir*, flake, and may have been a tall, slender man.

the part Frakök had in instigating her grandson, Ölvi, to burn Svein's father. Svein also agreed to champion the claim of Óttar's grand-nephew Erlend (the son of Earl Harald, who had donned the fatal garment) to a share of the earldom. Svein then went stealthily to Orkney and kidnapped Earl Pál and took him to his (the earl's) half-sister, Margrét of Atholl, after which nothing more was heard of that earl.

Earl Rögnvald was now sole Earl of Orkney, Caithness and Sutherland, and Svein quickly made his peace with him. Through Svein's influence, Earl Rögnvald accepted, as his joint earl the boy, Harald, son of Earl Maddadh of Atholl and Margrét, Earl Hákon's daughter. Svein now became a powerful man and regained all his forfeited estates.

He still owed a grudge to Frakök for the burning of his father, notwithstanding the compensation which had been paid to him by her brother, Earl Óttar, and the end of it was that he plotted her death.

Frakök and her grandson Ölvi lived in Helmsdale in Sutherland. Equipped with two well-manned ships, Svein, in order to put them off their guard, steered his course to the south of Scotland and then crept back north along the coast to the river Oikel. From here, with the assistance of Earl Maddadh's guides, he went inland and northwards, away from the tracks of man, until he came out into Helmsdale, near the centre of Sutherland. Although Ölvi had spies constantly on the outlook in anticipation of reprisals from Orkney, he did not expect danger from the direction in which Svein came. Ölvi was therefore unaware until Svein and his men arrived at the back of the house. Ölvi and his men joined battle with Svein. There was a short struggle and a great slaughter of Ölvi's men. Ölvi escaped and fled, and was never again heard of. Svein then plundered the house and burnt it with Frakök and all those who were inside. Such was the end of Frakök, whom Earl Rögnvald had described as 'a useless old hag.'

Thorbjörn the Clerk (*klerkr*), the son of Thorstein the Freeman (*höla*), a grandson of Frakök and the brother-in-law of Svein, afterwards slew two of the men who had been with Svein at Frakök's burning.

X. Svein and Holdbodhi, 1139/48.—Holdbodhi, who had formerly sheltered Svein when outlawed, sent an urgent message to Svein to come and help him in one of his feuds. Svein promptly responded. Holdbodhi, however, having come secretly

to terms with his adversary, played Svein false and even tried to burn him in the house in which he was living, but without success.

On Svein's return to Orkney he got ships and men and set out to punish Holdbodhi, who wisely fled and was never heard of again. Svein, however, plundered and burnt far and wide in the Southern Isles. Svein's unfair division of the booty was the cause of Thorbjörn the Clerk divorcing his wife, Svein's sister.

XI. Earl Valthjóf's Brenna, 1139/48.—A Scottish earl, Valthjóf (Waltheof), slew Thorstein the Freeman (*höld*), the father of Thorbjörn the Clerk (*klerkr*). On one occasion when Thorbjörn was sent to Scotland (in pursuit of Svein who had fled from Earl Rögnvald) he fared to the house of Earl Valthjóf. Thorbjörn agreed with his men that if they would help him against the earl he would, unlike Svein, share the booty equally with them. When they arrived at the earl's house he was feasting. They secured the doors and set the house on fire. The earl offered an atonement for the slaughter of Thorbjörn's father, but it was refused. The earl and his men then sprang out of the burning house, but they were so worn out with the fire that they were overcome and slain.

XII. Earl Rögnvald, 1151.—When on his famous crusade to the Holy Land, in 1151, Earl Rögnvald burnt the stone castle of a tyrant in Galicia, by burning wood around the walls. The castle men poured out burning pitch and brimstone, which did little harm. The walls of the castle crumbled before the fire when the lime gave way, and great breaches were made in it. When the castle was taken the owner and his treasures were not to be found, and it was rumoured that the leader of the Norwegian division of the assailants had, under cover of the smoke, been bribed by the owner to effect his escape with the treasures.

XIII. Earl Harald's Brenna, 1152, 1155.—When Earl Rögnvald was away on his crusade, Svein allied himself with Earl Erlend (who had got a share of the earldom from the King of Norway) against Earl Harald, who would not recognise Erlend's claim. On one occasion they besieged Harald in a castle and attacked him all day with fire and weapons. Harald made a stout defence, but, if it had not been for the fall of night, he would have been worn out and forced to surrender. The end of it was that peace-makers brought about a settlement by which Harald gave Erlend a share of the earldom.

On a later occasion, in 1155, when Svein was at feud with Earl Harald, who had taken possession of Svein's house in Gairsey, Svein went there at night and wished to fire the house thinking that the earl was inside. It was with difficulty that Svein was dissuaded from doing so, although his wife and daughters were inside and would have been burnt also. However, it turned out that the earl was away at the time, and Svein's wife, who was a kinswoman of the earl, would not reveal his whereabouts. Svein broached all his liquor and took his wife and daughters away with him.

XIV. Earl St. Rögnvald's Assassination and Thorbjörn's Brenna, 1158.—Thorbjörn the Clerk ultimately fell out with Earl Rögnvald, and, in 1158, when Earls Harald and Rögnvald were hunting in Caithness, Thorbjörn came on them unexpectedly and assassinated Rögnvald. Thorbjörn and his men were chased into an *erg* or shieling which was set on fire. When the burning house began to fall on them they came out, and as they were much worn out by the strength of the fire, they were slaughtered, nine in all. Earl Rögnvald was canonised. He had built St. Magnus' Cathedral in honour of his uncle, Earl Magnús, and in fulfilment of his vow to do so should he succeed in gaining his share of the earldom.

Here the Saga ends and the following 'burnings' are taken from *Flateyjarbók* and *Hákonar Saga*.

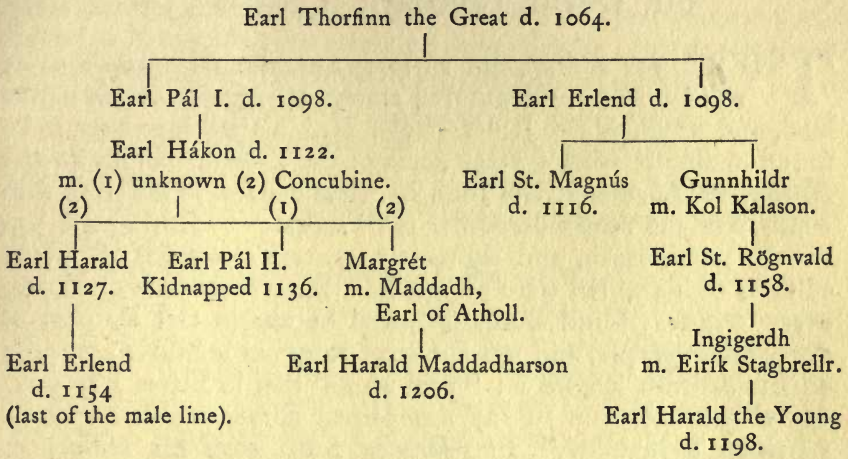
XV. Bishop Adam's Brenna, 1222.—Adam, bishop of Caithness, a foundling, over-tithed his flock. When once he was in the cathedral (*hákyrkja*, high church, *i.e.* cathedral, at the place now called Halkirk), the people held a consultation close by and surrounded the high church, where the bishop and the lawman were drinking in a loft. The people came to the loft, and a monk (the evil counsellor of the bishop) who went to the door was struck down dead. The bishop then told the lawman to tell the people that he wished to be reconciled to them. After this the bishop went out to the people, who seized him and put him into a small house, which they set on fire and burnt him alive. His body was but little charred when found.

XVI. In Caithness, 1263.—King Hákon, before setting out on his famous expedition to Scotland, sent eight ships, in advance, to the West. Part of this squadron, under the command of Erling Ívarsson, Andrés Nikulasson and Hallvardh the Red (*raudhr*), sailed in under Scotland and landed at Durness (Dýrnes) in Caithness. Here they stormed a castle, from which the men

fled, and then they burnt more than twenty homesteads, after which they sailed into the Southern Isles or Hebrides.

ALFRED W. JOHNSTON.

GENEALOGY OF THE EARLS MENTIONED.


Earl Thorfinn the Great d. 1064.
Earl Pál I. d. 1098.
Earl Erlend d. 1098.
Earl Hákon d. 1122.
m. (1) unknown (2) Concubine.
Earl St. Magnús d. 1116.
Gunnhildr m. Kol Kalason.
(2)
(1)
(2)
Earl Harald d. 1127.
Earl Pál II. Kidnapped 1136.
Margrét m. Maddadh, Earl of Atholl.
Earl St. Rögnvald d. 1158.
Earl Erlend d. 1154 (last of the male line).
Earl Harald Maddadharson d. 1206.
Ingigerdh m. Eirík Stagbrellr.
Earl Harald the Young d. 1198.

Sir David Lindsay: 1490-1555

THERE was a time, not so long ago, when Lindsay's name was familiar and honoured among the people of his native land, and when, as Dr. James Taylor says, his writings were to be found in almost every cottage north of the Tweed. In his *Scottish History and Literature*, Dr. John M. Ross testifies to the piety with which Scotland remembered her old 'makar.' 'During the sixteenth, seventeenth, and eighteenth centuries upwards of twenty editions of his works were published. His verses were on almost every tongue. Until Burns appeared he was in fact *the* poet of the Scottish people, and was appealed to as an infallible authority on the Scottish language; "ye'll no fin' that in Davie Lindsay," was a fatal objection to any new-coined phrase which a speaker ventured to employ.' In *Marmion* Scott pays his tribute to Lindsay in familiar lines:

> Still is thy name in high account,
> And still thy verse has charms,
> Sir David Lindesay of the Mount,
> Lord Lion King-at-Arms!

and in a note is disposed to apologise for the anachronism of introducing the poet as Lion-Herald sixteen years before his appointment. The poetic licence is, however, a small matter compared with the evidence as to the maintenance of Lindsay's popularity. This was genuine and long-enduring, though now, save by a few, the poet is 'unknown, and like esteemed.' Andrew Lang said of his verses that 'they are full of historical hints, but merely as poetry, are now seldom read, as Henryson may be read, for pleasure.' It may be assumed that, at first and for long, Lindsay's vogue was due to the vigour with which a man in his position attacked the ignorance, the greed, and the vices of the clergy; as poet, Lion King, and the friend of his sovereign he achieved a kind of *succès de circonstance* by the mercilessness of his satire. His immunity must have greatly added to the force of his attack, since it must have suggested sympathy in high quarters,

and his immunity was bound to strike observers as very remarkable, for, as Mr. W. L. Mathieson notes, a year or two before the *Satire of the Three Estates* was acted (1540), Friar Killor paid for a somewhat similar boldness by being burned as a heretic. Yet, the share Lindsay had in hastening the downfall of the old Church cannot be the whole, or even the larger part, of the explanation of a popularity that extended so far beyond the Reformation period, linked as it was with the name of John Knox. Much allowance has to be made for the medium in which Lindsay worked.

> Quharefore to colyearis, cairtaris, and to cukis,
> To Jok and Thome, my rhyme sall be directit;

and it is true that a good deal of Lindsay's verse has a frankness and an intimacy and a Rabelaisian humour that have commended it to the popular taste.

The facts belonging to the first years of Lindsay's life cannot be determined with precision. He was born in or about 1490, the son of David Lindsay, of the Mount, near Cupar-Fife, and Garmylton (Garleton), East Lothian. At which of these places he was born is unknown. It is assumed that he attended St. Andrews University, and it is the fact that the records of the incorporated students in St. Salvator's College, 1508-9, show in immediate succession the names Da. Lindesay and Da. Betone (the cardinal to be). It does not follow, of course, that the Da. Lindesay of the register is the future poet, and in this connection Mr. T. F. Henderson has directed attention to lines in *Ane Dialog* where Lindsay seems to speak, with some sense of loss, of those

> That, in thare youth, be deligent labour,
> Hes leirnit Latyne, Greik, and ald Hebrew;
> That I am nocht of that sorte sore I rew.

This may be the expression of regret either for misused opportunities or for the loss of opportunity. Mr. Henderson also notes that Lindsay's business at the Court of James IV. was rather to nurse and amuse the young prince, the future James V., than to instruct him.

> Quhen thow wes young, I bure thee in myne arme
> Full tenderlie, tyll thow begouth to gang;
> And in thy bed oft happit thee full warme,
> With lute in hand, syne, sweitlie to thee sang;
> Sumtyme, in dancing, feiralie I flang:
> And sumtyme, playand farsis on the flure;
> And sumtyme, on myne office takkand cure:

And sumtyme, lyke ane feind, transfigurate ;
And sumtyme, like the greislie gaist of Gye ;
In divers formis oft tymes disfigurate,
And sumtyme, dissagyist full plesandlye.

Such duties, it is suggested, are hardly those suited to a university man, and Mr. Henderson is inclined to doubt whether the David Lindsay who was an equerry in the Royal household in 1508 could have been the undergraduate of that same year. It is a still more doubtful tradition that sends Lindsay on a continental tour after the conclusion of his university course.

We are on surer ground from 1512 onwards ; in that year Lindsay was made usher to Prince James, and thereafter it is possible to follow his doings as Lion King, ambassador, Parliamentary representative, and poet.

His attention to literature followed upon the overthrow of the Douglases. The see-saw of politics that took place in Scotland after the death of James IV., and during the minority of his successor, gave Angus his opportunity in 1525, and he seized it, to draw to himself by degrees the supreme power in the State. In 1524, by what is called 'the erection of the King,' the Queen Mother had freed James V., a lad of some twelve years, from tutors and guardians and made him the titular ruler of Scotland, while the real authority was grasped by her party, but, two years later, Angus had become master of the King's person, and induced the Estates to declare that James was now of age to assume his power and reign, a proceeding that, in the circumstances, made Angus the real ruler of the country. As may be supposed, the environment of the young Prince was too troubled to favour his education, and in his *Complaynt* Lindsay speaks of this :

Imprudentlie, lyk wytles fuilis,
Thay tuke that young Prince frome the scuilis,
Quhare he, under obedience,
Was lernand vertew and science.

He had apparently little store of either. As regards his 'science,' Professor Hume Brown gives authority for saying that at the age of twelve James V. could not read an English letter without assistance, and even in manhood could speak very little French. One result of these political struggles was that Lindsay was retired on pension ; he withdrew, it is likely, to Garmylton, where he mused and wrote, as he watched the progress of events. He

had left the Court and his duties as attendant on the Prince. These had been sufficiently multifarious. He had been

> Sumtyme, Seware, Coppare, and Carvoure ;
> Thy purs maister and secreit Thesaurare,
> Thy Yschare, aye sen thy natyvitie,
> And of thy chalmer cheiffe Cubiculare ;

and the narrator 'of antique storeis, and deides marciall.' In 1528 the King escaped from the Douglases, and ruin, swift and complete, fell upon them. With the scattering of that faction the cloud rolled from Lindsay's spirit, and he uttered himself in *The Dreme*, his first poem, written in 1528, but not published till after his death.

It is desirable now to leave for a time the troubled region of politics and to undertake the more pleasing task of determining Lindsay's place in the succession of poets.

Lindsay took the view of the poet's function insisted on by Wordsworth. 'Every great poet,' said the bard of Rydal Mount, 'is a teacher ; I wish to be considered as a teacher or as nothing.' On the very questionable thesis here set up Lord Morley observes : 'It may be doubted whether his general proposition is at all true, and whether it is any more the essential business of a poet to be a teacher than it was the business of Handel, Beethoven, or Mozart,' and it is very certain that the obsession of a desire to improve or to instruct is disastrous to art ; the Muses are feminine enough to scorn a divided allegiance. Nevertheless, verse and didactic may be deliberately combined as an electuary by a writer who relies on form to make the content palatable or to veil a dangerous satire. It is barely possible that some may prefer to read their Church history in metre ; Christopher Tye, it seems, thought so when he paraphrased the *Acts of the Apostles* in this wise :

> It chaunced in Iconium,
> As they oft times did use,
> Together they into did come
> The synagogue of Jews.

It is certain that Lindsay's bold diatribes against the vices of his time were neither less effective nor less safe because they could be scanned, and therefore won praise and popularity ; he would have found it dangerous to play 'the gloomy Dean' in prose. They were aided in their work by a *grossièreté* that to modern taste seems 'a note above E La,' but our ancestors were less

squeamish, and neither royal squires nor royal dames found it impossible to enjoy *Ane Satyre of the Thrie Estaitis* at Linlithgow, on January 6th, 1539-40. On that occasion the King was so impressed by the performance that he charged the Bishop of Glasgow and the other Bishops present to reform or he would send them to Henry VIII., and doubtless Scott had this kind of effect in his mind when, in his lines on Lindsay, he spoke of

> The flash of that satiric rage
> Which, bursting on the early stage,
> Branded the vices of the age
> And broke the Keys of Rome.

It was a rude age, when people called a spade a spade, and spoke freely of subjects not now mentioned 'to ears polite.' Recognition of this fact checks surprise at James Melville's statement that, as a boy, he got benefit from his sister's reading and singing passages from David Lindsay; even at a much later date, in England, Heywood pandered to popular taste by introducing a perfectly abominable catch into his *Rape of Lucrece*.

At the same time, Lindsay could write true poetry; he was a student of the poets, and, as Professor Saintsbury points out, he has an undeniable command of verse forms. As a rule, his 'satiric rage' burns up the fuel that should sustain his poetic fire, but, especially in the *Dreme*, though not there exclusively, there is a glow of the pure flame. The description of Winter in the *Prologue* has been often and justly admired; but even in the body of the poem where he visits Hell, and, with an eye to the reproof of the living, enumerates those he finds 'in flam of fyre rycht furiouslie fryand,' and thereafter hurries his readers through cosmogony, geography, theology, and politics—even there the description of the moon as 'quene of the see, and bewtie of the nycht,' the obvious delight in 'the sweet hailsum arromatyke odours,' 'the hevinlie hewis of the fragrant flouris,' in Phebus that

> Dois foster flouris, and garris heirbis spryng
> Throuch the cald eirth and causis birdis syng;

and the tenderly expressed concern for the weal of Scotland, remind us that Lindsay has always his singing robes at hand. The observant reader finds patches of genuine poetry adorning and relieving the bitterest invective; these lines, for example, from the merciless *Testament and Complaynt of the Papyngo*:

The sound of birdis surmontit all the skyis,
With melodie of notis musycall;
The balmy droppis of dew Tytane updryis,
Hyngande upone the tender twystis small.
The hevinlie hew, and sound angelicall,
Sic perfyte plesoure prentit in myne hart,
That with gret pyne, from thyne I mycht depart.

Such fringes of gold are all too scanty on Lindsay's mantle of grey, but they reveal, in their quality, a mine of true ore. Within the realm of satiric poetry his power is unmistakable, while his value as an authority on the life, manners and politics of his time is of the highest. He speaks, indeed, as if he thought little of the form of his verse in relation to the gravity of its content, refraining from elaborating a purple patch in the *Dreme*, with the remark (this) 'I leif to Poetis, because I have no slycht,' though later in the same poem he has the fine lines:

The Angellis brycht, in nummer infinyte,
Everilk ordour in thair awin degre,
War officiaris unto the Deitie.

In his study of the poets it seems probable that Lindsay's 'sober wishes never learned to stray' beyond a small group, but these he had read to excellent purpose. In his *Testament and Complaynt of the Papyngo*, he mentions Chaucer, Gower, Lydgate, Dunbar, Henryson, and Douglas among his honoured brethren, and he has more or less conventional references to Ennius, Hesiod, and Boccaccio. But reading with an eye to machinery for his didactic compositions, he did not require to read widely, and it is evident that what poets he did study he examined minutely. There is in some quarters a tendency to underestimate his acquaintance with Chaucer, but repeated reading of Lindsay rather strengthens the impression that his work is full of Chaucerian echoes, faint, no doubt, but genuine. The dream-*cliché*, the rapid survey of the names and deeds of antiquity, the love of bright colours, the obvious delight in the freshness of nature and in animal life, especially birds, some words, epithets and turns of expression, and a heartiness of narrative in *The Historie of Squyer Meldrum*—the sum total of these brings a conviction that Chaucer was a favourite with Lindsay. Other debts to other creditors are more definite. Douglas had written of the seasons, and Lindsay's most noted passage is the fine description of Winter in the *Dreme*; the former's translation of the *Æneid* may

have suggested the visit to Hell in the same poem. *The Tragedie of the Cardinall* is in the vein of Lydgate's *Fall of Princes*; 'flyting' is traditional in Scots poetry; Gower's influence may be responsible for Lindsay's versified catalogues; Dunbar is his *exemplar* in satire, and equally, perhaps, in the high solemnity with which he can address himself to lofty and serious subjects. With regard to the frequency of passages too rudely realistic, one is bound to admit that Lindsay follows joyously the stercoraceous trail that runs broad blazed across a wide tract of Scots literature.

It is, however, in his verse forms that Lindsay most clearly reveals what he owes to the older poets. Two of his principal metres are the same as Chaucer's, rhyme royal and four accent couplets, and both are handled with ease. Chaucer's third favourite metre, five accent couplets, is used in the coarsely farcical *Justing*, and at times in *Ane Pleasant Satyre*. But Lindsay does not confine himself to these. He uses the 'eight banded lines' of Chaucer's *Monk's Tale*, the nine-line stanza on two or three rhymes of Douglas's *Palice of Honour*, the *ballat royal* with four beats of Henryson. *Ane Pleasant Satyre* is particularly interesting to the metrist both from the intricacy and the variety of its measures and the evidence it supplies of careful study of Chaucer, Dunbar, Douglas, Henryson, romances, and the general body of Scots verse. Groups of lines from two to sixteen in number are employed, and these introduce an attractive number of verse devices, including alliteration. Lindsay, in fact, is notable among Scots poets for his variety and technique as a metrist.

'Sir David Lindsay has been rightly called the poet of the Scottish Reformation, but the reformation sought by him in the most active years of his life was far more social than doctrinal.' This is Professor Morley's judgment, and on the whole it accurately defines Lindsay's position. The poet's severe strictures on the priests are directed against vices that disgraced the professors of Christianity and brought discredit on the Church. In *The Dreme*, 'proude and perverst prelatis,' and all their kind, are fiercely attacked for their ignorance, neglect of duty, fawning flattery to win promotion, greed, abuse of the Kirk, gross immorality ('thay dispone that geir on cartis, and dyce, on harllotrie, and huris'), nepotism in providing for their bastards, 'symonie and covatyce'—for their exemplification, in short, in their own lives of the seven deadly sins; and in *Ane Satyre of the Thrie Estaitis* the onslaught, if conducted with more humour, is none the less

effective. It is probable that the uproarious fun and vivid realism of *Ane Satyre* did more to drive home Lindsay's teaching than even the merciless wit of the Papyngo's last hours when, under the guise of the Magpie, the Raven and the Kite, he exposes the greed of the clergy. Yet at times he goes outside the sphere of satire and passes from gibes at the walk and conversation of priests to what were more dangerous topics. In *The Complaynt to the King*, he prays him to compel the priests

> To preche with unfenyeit intentis
> And trewly use the Sacramentis
> Eftir Christis institutionis,
> Levyng thair vaine traditiounis,
> As superstitious pylgramagis,
> Prayand to gravin ymagis,
> Expres aganis the Lordis command.

In *Kitteis Confessioun*, where Lindsay points out the true work of the Church, he is equally outspoken on the subject of auricular confession :

> Freiris sweiris, be thair professioun,
> Nane can be saif, but this Confessioun,
> And garris all men understand,
> That it is Goddis awin command :
> Yit it is nocht but mennis drame,
> The pepill to confound and schame.
> It is nocht ellis but mennis law
> Maid mennis mindis for to knaw,
> Quharethrow thay syle thame as thay will,
> And makis thair law conforme tharetill ;
> Sittand in mennis conscience,
> Abone Goddis magnificence ;
> And dois the pepill teche and tyste
> To serve the Pape the Antechriste.

This is bold writing, and, if it prevents one from wondering that Lindsay, as Knox himself tells us, was among those that called the Reformer to the office of preacher, it certainly causes one to marvel that, even in the shadow of the King, the poet should have so greatly dared. It is true that the Estates took steps to check 'the unhonesty and misrule of Kirkmen, baith in wit, knowledge, and manners,' but they did not go the whole way with Lindsay, who, whether or not he was ready to go as far as the Reformers, must have done much to prepare men's minds for the upheaval of the old order.

A. M. Williams.

Scotstarvet's 'Trew Relation'[1]

WITH all & qhatsumever other chartours precepts instruments of sasin procuratories and instruments of resignation tacks assedations commissions and other wryts titles and securities qhatsumever granted to the saids defenders or any of them thare authors or predecessors to qhom they have or may succeed *jure sanguinis* be us or our umqhill deceasit father King Ja. 6 or be queene Anna our mother or be the abbots underwrittin viz umqhill Harry Pitcarne abbot of Dumfermlin or be umqhill Patrick master of Gray an other of the said abbots or be umqhill Francis somtyme erle of Bothwell abbot and commendator of Kelso or be umqhill Harry lord Ker an other of the said abbots and commendator[s] of the abbacie of Kelso. With all and qhatsumever pretended acts of parl^{t} ratifying and approving in favours of the saids defenders or any of them or their forsaids there saids ry^{ts} and infeftments To be seene & considered be the lords of our counsell and session and to heare & see the samyn reduced retreited rescinded cassed annulled decerned & declared to have bein from the beginning to be now and in all tyme coming null & of no force effect nor availe as if the samyn had never bein made nor grantit nor *in rerum natura* And als civillie & laufullie improven *per testes insertos et omni alio modo quo de jure* And als to heare & see it found & declared that we have good & undoubted right to all & qhatsumever the forsaids lands barronies mylns woods fishings at leist to the superiorities therof and few maills few fermes the rents & dewties of the samyn And als to heare & see it be found & declared that the saids persewars and there vassals are and sall be vassals to us in the saids Lands and others above specifeit for the reasons following :—

1 In the first all and qhatsumever chartours infeftments & other rights of qhatsumever Lands baronies patronages teynds and others pertening of before to qhatsumever benefices annexed to our croune aucht & sould be retreated and reduced because be

[1] Continued from *Scottish Historical Review*, vol. xii. p. 76.

the annexation therof it is provyded at the least the nature of the annexatione is such that the samyn sould remane with our croune in all tyme coming after the form tennor and order of the annexation maid be K[ing] Ja. 2d p. ii 41 [1] be the qhilk annexation it is ordained that the annexed propertie sould not be given away in fee and heritage to any persone of qhat estate or dignity qhatsumever but with advyse deliverance & decreet of the haill parl[t] and for great seene & reasonable cause of the realme and if [it] sould happen to be otherwise disposed the alienation to be of nane availl and it is Lawfull for us to ressave these lands qhenever it lykes us to our use but any process of Law and the takers to refound all profits that they have taken up off these Lands againe to the King for the tyme and the king to be sworne at his coronation to keepe this statute in all poynts Bot swa it is that the haill infeft[men]ts wryts & others generally and particularly called for are made and granted be us and our umqhill dearest father K[ing] Ja. 6 of our annexed propertie conforme to the severall acts of annexation [2] without advyse of parl[t] ergo—

2 Be the 233 and 236 acts of our dearest father K[ing] Ja. 6 parl. 15 it is statute that all infeft[men]ts alienations rentalls assedations pensions gifts discharges and other dispositions qhatsumever of the annexed properties made or given after the annexation and before dissolution in parl[t] or made and given after the dissolution & contrare to any conditions of the samyn are null of the law be way of action or exception in all tyme bygone and to come Lykas be the 234 act of that same parlt [3] it is decerned & declared that the annexed propertie cannot be sett nor disponed but in few ferme allanerlie Bot swa it is that the infeft[men]ts and others called for are made & granted of the Lands & others therin contened being of the annexed propertie before Lawfull dissolution made therof in parl[t] at leist contrair to the condition therof, and trew it is that the infeft[men]ts and others called for are made & granted of our said annexed propertie holden blench or ward and not in few ferme they are granted in diminution of our rentall within the availl of the few fermes qhilk were payable to us before the granting of the sds infeft[men]ts at leist the sds ry[ch]ts and infeft[men]ts were granted before lawfull dissolution or after the

[1] 4 August, 1455, *Acts Parl. Scot.* ii. p. 42.

[2] Annexation by James VI. *Acts Parl. Scot.* iv. p. 131, 1597, capp. 4, 7.

[3] *Acts Parl. Scot.* iv. 131, 1597, cap. 5.

death of our dearest father at qhat tyme the samyn was dissolved without any dissolution made be us.

3 Be the 238 act of the forsd parlt[1] it is decerned & declared that all free gifts of our propertie or any part therof with fees casualities and priviledges belonging therto sall be null & of nane availl so that we and our comptroller may freelie intromett with the rents of the samyn as if the sds gifts & dispositions had never bein made and the 239 act [of] our dearest father and estats of parlt rescinds & annulls all here[tabi]ll infeft[men]ts and other dispositions made of any part of the few dewties pertening to us furth of the annexed temporality or benefices of the annexed propertie or of any part of the patrimonie of the croune Bot swa it is that the instru[men]ts and other ry[gh]ts called for are free gifts of the kings annexed properte at leist are rights granted for payment of imaginary & small dewties no wayis considerable nor proportionable to the rent and value of the Lands and others disponed and swa in effect are free gifts of the Law at leist the samyn ry[gh]ts and infeft[men]ts does carrie the superioritie and consequentlie the few dewties payable by the vassals of the sds Lands and swa are contrair to the last of the sd 2 acts.

4 Be the 219 act of our dearest father K[ing] Ja. 6 and be the 295 act p. 14 it is ordained that no erections of kirk Lands or teynds made since the act of annexation sall be ratified & given in the forsd 12 parlt nor in any tyme therafter and in case any erection hapned declaring the samyn to be null Bot swa it is that the infeft[men]ts and other rights called for are past at leist ratified in parlt since the forsd 12 parlt qhilk was anno 1592.

5 Be the oath given be us at our coronation founded upon the fundamentall Lawes of this our kingdome and be all our predecessors since King Ja. the first we were sworne to maintaine the trew religion and to preserve and keepe inviolated the ry[gh]ts and rents with all just priviledges of the croune of Scotland and not to transferre nor alienate the same conforme to the 8 act of K[ing] Ja. parl 1 [2] and the forsd act of annexation of K[ing] Ja. 2d Bot swa it is that the infeft[men]ts and ry[gh]ts called for have bein by importunitie sollicitation and indirect dealing drawne from us and [our] noble fathers hands to the hurt & prejudice of the rights & rents of our croune

6 Be the fundamentall Laws of this kingdome namly be a statute made be King Rot the 3d it is statute[3] that it sall not be

[1] *Acts Parl. Scot.* iv. 131, 1597, cap. 9. [2] *Acts Parl. Scot.* ii. p. 5, 1424, cap. 8.

[3] *Acts Parl. Scot.* i. 575-6 (red ink pagination) : parl. 21 February, 1401.

lawfull to the king to interpone a superior betwixt him and his vassals without consent of the vassals Bot swa it is that be the instru[men]ts and rights called for the parties to qham the samyn are granted are interponed betwixt us and our vassals qho be the annexation of the forsds kirk Lands to our croune became vassals and [P. 19] immediat tennents to us without whose consent by no infeft[men]ts impetrate from us they could be removed from being vassals to us to our and there great prejudice, our prejudice being manifest for if it were Lawfull to us to interpone superiors betwixt us and the vassals of the kirklands of the kingdome we sould therby amitt & lose neerely a 3d part of the superiorities of this kingdome profits casualities & commodities belonging therto and if there were a reason for interposition of superiors betwixt us and the vassals of our annexed propertie the same reason might militat against us and our vassals of ward and blench lands all our vassals being immediat tennents to us thoght for a different reddendo Lykas our vassals prejudice is most greivous & manifest if they sould be thrust from the libertie bounty & favour ordinarly bestowed on them by us qhen entry & casualities falls and returned over in the hands of rigorous & crude persons superiors thair fellow subjects to be legally oppresst be them be an infinit number of proces of reduction improbation declaration of escheit lyferent nonentress clauses irritant and many more to be expeded [?] than ever they suffered under prelats Lykeas they sould be prejudged of the libertie they have being vassals to us to voyce in the election of commissioners of parlt or to be commissioners themselffs or to have thair lands erected in barronies tennendries or other liberties ay & qhill they sall be changed from being immediat vassals to us to be immediat vassals to a subject than qhich nothing can be more greivous nor prejudiciall to our vassals libertie

7 Be the 243 act of the forsd 15 parlt[1] bearing that forsamikle as there are certane generall & originall lawes qherby expresse provision is made that our property & annexed temporality of benefices may not be dilapidate nor disponed in prejudice and derogation of the sds lawes it is therfor in the sd act statute & ordained that the sd generall lawes sall have there full effect and that no derogation sall be made therto be qhatsumever gift or disposition notwithstanding the samyn be particularly ratified in parlt except the sd ratification and new disposition be made be expresse & speciall dispensation of the generall lawes and be

[1] *Acts Parl. Scot.* iv. p. 132, 1597, cap. 14.

advyse of the estates to be speciallie mentioned therin and that the lords of the session sall judge acording to the generall lawes without respect of any particular derogation made therunto to our hurt & prejudice and contrair to the tennor of the sds acts But swa it is that all the forsd ratifications in parlt called for are made in particular derogation to the sd generall Lawes to our hurt and to the prejudice of our vassalls Lykeas in the severall parliaments qherin the sd ratifications were obtained there are expresse acts insert in the sd severall parliaments at the closing therof *salvo jure cujuslibet* qhilk acts were not only made for the maintaining of the generall and fundamentall lawes in favours of our croune & kingdome but also for the maintaining of the subjects rights & liberties & consequently of the vassals of kirklands Lykeas by the last act[1] of our first parl[t] it is declared that no particular acts made in favours of any of our subjects sall prejudge us of the acts & statuts made in our favours viz the act of our revocations the act anent the superiority of erections the act anent the regality of erection and the act made anent our annexed propertie declaring the sd particular acts & acts of ratifications made in their favours in so farre as may prejudge us or [our] successors to be null be way of exception or reply And sicklyke it is statute & ordained[2] the forsds acts and acts of ratification sall not prejudice a 3[d] party of there lawfull rights nor of there actions & defenses competent therby before the making of the sds acts but that the lords of session and other judges sall be obliged to judge betwixt the parties acording to there rights standing in there persone before the making of the sd particular acts and that in respect the samyn are made without the hearing of the parties having interest and therfor are *salvo jure cujuslibet* Lykeas we and our estates declared that this is & was the true meaning of all the acts made in the preceding parliaments intituled *salvo jure cujuslibet* and consequently the forsd acts of ratification purchased in parl[ts] of the infeft[men]ts and rights called for as they can no ways prejudice us so can they nowayis prejudice the vassals of the sd kirklands or there rights & liberties granted to them by the generall Lawes of the land and by there particular infeft[men]ts Lykeas the infeft[men]ts ratified therby being null & against the Lawes of the kingdome the samyn ratification therof aucht to fall in consequence.

8 All infeft[men]ts granted before the annexation 1587 upon the dimission or resignation of the prelats are null becaus it was

[1] *Acts Parl. Scot.* v. p. 45 : parl. 1633, act 31. [2] *Ibid.*

not lawfull to them nor any kirk-man within this kingdome to dispone dilapidat or put away their benefices in haill or in part nor any Lands patronages teynds or others belonging therto in prejudice of the kirk or there successors it being only lawfull for them to sett their Lands in few for increase of policy and augmentation of their rentall and to grant tacks of teynds without diminution therof and in lyke maner if the granters of the sd dimissions or resignations were noways lawfullie provyded to the sd benefices be deceis or deprivation of the incumbent or any other Lawfull way.

9 After the death of our most noble father and [our] entrie to the croune we acording to royall right & lovable custome of our predecessors having made and published a revocation[1] of all rights & infeft[men]ts made be us and our progenitors in hurt or prejudice of our croune namly in our annexed propertie and namlie of the kirklands & others erected in temporall lordships and having therupon caused intend and raise summons and action of reduction of the same against the lords and others pretending ryghts to the saids erections upon dyverse and many good reasons We therfore gave commission[2] under our great seale to dyvers noblemen and others to treate with the lords and others having ryght to the erections and to doe theranent in maner contened in the sd commission dated at Whythall 17 jan. 1627 Lykas therafter in the month of etc[3] 1628 ane submission was made to us by the lords of erection titulars gentrie & heritors of Lands qherin the sds lords and others having right to the erections ratifie and approve an act made be the sds commissioners dated 29 june 1627 qherby they have found that all superiorities of erections sould be freely resigned & surrendered in his majesties hands without composition and because the commissioners could not uniformly agree anent the composition to be payed for the few fermes few maills & other constant rent of the superiorities nor yet anent the true estimation raits pryces & quantities of the same Therfore be another act of the same dait it was condescended that the determination sould be referred to us and the forsds persons submitters agknowledging in all humility our royall & princely care providence & wisdome with our fatherly & tender

[1] *Acts Parl. Scot.* v. p. 23, dated 12 October, 1625, but ratified by parliament 1633, cap. 9.

[2] Printed in Connell's *Treatise respecting Tithes*, Appendix No. 40. Connell's copy dates it 7th January, 1627, not 17th.

[3] 23 Feb. 1628, *Acts Parl. Scot.* v. p. 189.

affection for removing all the sds questions & controversies and to the publik weill & good of the kingdome they not onlie ratified the forsds acts but granted procuratories of resignation for surrendring and resigning of the sd superiorities in our hands Lykeas accordingly resignations were made[1] and referred to us the determination anent the composition & satisfaction to be given for the few maills few fermes & other constant rents of the samyn superiorities in maner at lenght contened in the sd submission qherin we therafter gave out our decreet arbitrall[2] as the same fully proports Qhilk submission procuratorie [P. 20] of resignation therin contened was trewly subscryved by the haill defenders at leist by their predecessors to qhom they are airis or successors and many of them subscryved for themselffs and in name & behalff of their sones as the erle of Eglintoun Lauderdale & others expresly for themselffs and there sones and swa the matter being past *in rem judicatam* anent the sds superiorities and erections with consent of the defenders and there sd predecessors to the publick good & weill of the kingdome, it was not lawfull for any therafter under qhatsumever colour or pretence to the hurt & prejudice of our croune and to the manifest prejudice of the vassals of the sds erections & consequently to the publik weill of the kingdome to procure or impetrat any new[3] infeft[men]ts therafter of the sds erections superiorities & others therin contened Lykeas in our first parl[t] halden at Ed[r] the 28 june 1633 & tent act[4] therof we with advyse of our estats ratified & approved the haill annexations made be our predecessors of our croune lands & rents to remane therwith acording to the provisions therin contened and specially acording to the act of annexation made be K[ing] Ja. 2[d] anno 1455[5] and farder declared that the right and title of the superioritie of qhatsumever Lands & others pertening to any benefices of qhatsumever estate degree or title erected in temporall llo/ [=lordships] baronies or livings befor or after the generall annexation[6] made in July 1587 with the haill few maills few fermes other rents & dewties of the sds superiorities to be annexed and remane with the croune for ever reserving to such lords & titulars of erections qho subscryved the generall surrender few fermes & few maills of the sds superiorities ay & qhill they receive satisfaction acording to our declaration

[1] 14 May, 1628, *Acts Parl. Scot.* v. p. 192.
[2] *Acts Parl. Scot.* v. p. 197.
[3] Word 'erection' here deleted.
[4] *Acts Parl. Scot.* v. p. 27.
[5] *Acts Parl. Scot.* ii. p. 42.
[6] *Acts Parl. Scot.* iii. p. 431, 1587, cap. 8.

Lykeas we and our sds estates ratified & approved the particular acts under writtin viz the act of parl[t] made be our umqhill dearest father parlt 15 c. 233[1] intituled 'anent the annexation of the kings annexed propertie' together with the 234 act[2] intituled 'the annexed propertie may not be disponed but in few ferme allanerly' and also the 236 act[3] of the sd parl[t] intituled 'disposition of the annexed propertie made before the dissolution or not conforme to the condition therof' is null And sicklyke the 243 act[4] anent ratifications or dispositions made in parl[t] and ordained them to have full force and effect in all tyme coming declaring all deeds done in the contrare to be null & of nane availl be way of action exception or reply And farder we be the 13 act of the sd parl[t] [5] ratified and approved that head & article of the act of parl[t] in July 1587 c. 29 [6] anent the annexation of the temporality of benefices to the croune qherby there right & privilege of regalitie qhilk pertened to qhatsumever abbacies pryories or other benefices qhatsumever is annexed to the croune with this declaration that the airis of the vassals of heretabill tennents sall be entred by breives furth of the chancellarie to be direct to the provest & bailzies of the baronies of the sd regalities and therin is cassit annulled & rescinded with all rights & other titles made be us our dearest father to qhatsumever persons of the ryghts & priveledges or regalities pertening to qhatsumever abbot or pryor preceptors or other beneficed persone qhatsumever at any tyme preceding the dait of the sd act and it is therin declared that the right & title of qhatsumever regalities within this kingdome qhilk pertened to qhatsumever benefices particularly or generally above specifeit at any tyme preceding the generall annexation of kirklands without respect to any exception mentioned in the sd act of annexation to pertein to us or our successors in all tyme coming without reservation contened in the sd act and be the 14 act of the said parlt[7] anent the superioritie of kirklands we with advyse of parl[t] declared & ordained that we and our successors sould have good & undoubted right to all superiorities of all and sindry Lands barronnies woods mylnes fishings appertening to qhatsumever abbacies pryories pryoresses preceptories & qhatsumever other benefices of qhatsumever estate degree title name or designation of the same be erected in temporall llo/ [= lordships]

[1] *Acts Parl. Scot.* iv. 131, 1597, cap. 4. [2] *Ib.* cap. 5. [3] *Ib.* cap. 6.
[4] *Ib.* p. 132, cap. 14. [5] *Ib.* v. p. 31, 1633, cap. 13.
[6] *Ib.* iii. p. 431, 1587, cap. 8. [7] *Ib.* v. p. 32, 1633, cap. 14.

baronies or living befor or after the generall annexation of kirklands in July 1587. and to the haill casualities of the sds superiorities not disponed before the dait of the generall commission with reservation contened in the sd act of the few fermes to the titulars untill they be satisfied therfore conforme to our decreit and of there proper Lands but the samyn is still to be halden of us As also the estats of parl[t] by the 33 act of our 3[d] parl[t] upon the petition of certane barrons gentlemen and other fewars of kirklands craving the acts 1633 and 1641 made anent the superioritie of kirklands to be ratified of our sds estats renunced all bygone infeft[men]ts & ryghts of superiorities of kirklands past the seales since the yeir 1633 to the decision of the lords of session and all bailzieries & commissions given to any persone for entering of vassals to the lands in our name lykwise to there decision legall and fand & declared that the lords of exchecker & keepers of the seales sould not have any power to grant or passe herafter any new grants ryghts or infefments of the superiorities of the sd kirklands and discharged our treasurer principall & depute and remanent lords of exchecker and keepers of seales from all passing or expeding any new grants or infef[men]ts of any of the forsd superiorities of the forsds kirklands and from all passing of any warrands tacks commissions bailzieries or deputations for entering of vassals therto be the qhilk acts it is manifest that it was noways Lawfull to us to grant nor to the defenders nor there predecessors to receive any new infeftments of the sds superiorities regalities & others above written as being not only past *in rem judicatam* be the submitters but also being fully decyded in plaine parl[t] anno 1633 and all infeftments granted be us or our predecessors qherby we may be prejudged in brooking and joysing the sds superiorities & haill benefit therof in manner therin contened declared null of no availl force nor effect

10 Lastly all and sindry the pretended chartours & infeftments of regalities called for aucht and sould be reduced & declared null because the same is a part of our prerogative & soveragnity royall or *pars mei imperii* qhilk cannot be disponed to any subject heretabilly and qhilk is so annexed to our awin persone & the persons of our successors and swa individuall therfra that no subject is capable therof in part or in whole Lykeas the speciall acts of parlt made be K[ing] Ja. 2[d] our noble progenitor all dispositions of regalities are prohibited[1] and oft it may appeare by the sd acts regalities may be granted being past

[1] *Acts Parl. Scot.* ii. p. 43: parl. 1455, act 4.

the delyverance of parlt the condition of the sd act requyres that regalities salbe past by delyverance of parl^{t} and swa requyres ane decreet and ordinance of the 3 estates to preceed the giving of any infeftments of regalities qhilk be the forme of the solemnity prescryved be the sd act most be followed *in forma specifica* and cannot be supplied be any ratification interponed therto after the granting of the same becaus ane ratification in parl^{t} is not ane decreet & delyverance in parl^{t} and swa does not equall nor fulfill the condition requyred by the sd act And trew it is that all & sindry the sds infeftments called for are granted to the hurt & diminution of our prerogative royall soveragnity & jurisdiction contrare to the inhibitions contened in the acts of parlt : lykeas also the sds pretended infeftments are nowayis granted with consent of the estats of parl^{t} but on simple grants & dispositions and swa null in themselffs lykeas they are granted to the prejudice of our vassals contrare to the act[1] of our first parl^{t} qherby they pertein to us in manner above specifeit And therfore the sd pretended infeftments aucht and sould be reduced etc

[1] *Acts Parl. Scot.* v. p. 25 [?].

(*To be continued.*)

Reviews of Books

RECORDS OF THE SOCIAL AND ECONOMIC HISTORY OF ENGLAND AND WALES. Volume I.: The Survey of the Honour of Denbigh (1334). Edited by Paul Vinogradoff and Frank Morgan. Pp. cxxiv, 347, with two Genealogical Tables. 8vo. Oxford: University Press. 1914. 16s. net.

THIS volume is notable from various points of view. It is notable as the first of what promises to be a series of extreme value to the student of manorial origins and of social economic history generally, published under the authority of the British Academy and with the aid of a grant from the Treasury. It is notable as a specimen of the fine and copious work that is being done by Professor Vinogradoff (who acts as director of publications for the Academy in the present series) and by others, his friends and pupils, inspired by him; for the business-like preface is the outcome of work done by members of his seminar at Oxford.

It is notable also for its own contents. These include the text of a survey of the lands of a great Honour situated on the borders of Wales, remarkable, as the editors justly claim, for 'the value, exactitude and fulness of its contents,' and made at a date (1334) when the influence of English manorial arrangements was still at work in modifying the earlier Celtic tribal customs of the several districts embraced. The carefully prepared and beautifully printed text of this voluminous record of a period of transition forms a welcome addition to the available material for solving the problems that still surround 'the origin of the manor.' The text is introduced by a series of careful studies, in the preparation of which Prof. Vinogradoff has had the benefit of the collaboration of Mr. Morgan and of a band of able young scholars, formerly members of his class at Oxford. These contributions enbrace a sketch of the history of the Honour, and studies, in the light thrown by the survey, on such subjects as kindreds and villages, wood, waste and pasture, agriculture, rents and services, officers and agents, the unfree population, English tenurial arrangements, and the urban population.

These essays should all prove interesting and useful to the student of manorial origins, although they contain few novelties for which readers of Prof. Vinogradoff's *Origin of the Manor* were not prepared. Indeed, the one criticism that seems called for is that readers who are tyros in the subjects discussed (a class who are surely to be encouraged) should have been warned to read Prof. Vinogradoff's well-known volume first. It must be disconcerting to the uninitiated to come upon such terms as 'trevgyvriv,' 'treweloghe' and 'dadanhud' (*e.g.* on p. xx) and find no

word of explanation (they are not even mentioned in the Index). *The Origin of the Manor*, indeed, forms an indispensable introduction to the *Survey of Denbigh*, which in turn contains a body of evidence confirmatory of opinions formulated in the former.

In welcoming this volume and the prospective series which it heralds, it is natural to regret that Scottish records seem to be regarded as entirely outside its scope. Highlands and Lowlands paid a heavy price for avoiding the fate of Wales in the thirteenth century ; but the Union of 1707, by reversing the effects of the War of Independence, might not unreasonably have been interpreted as placing Scotland on as favourable a footing as Wales in meriting a share of the labours of the British Academy in an undertaking that is financed by the national Treasury and promises to be of national or more than national importance.

WM. S. MCKECHNIE.

THE SCOTTISH WAR OF INDEPENDENCE. A Critical Study. By Evan Macleod Barron. Pp. xxvi, 499. With Plans and Maps. Demy 8vo. London : James Nisbet & Co. 1914. 16s. net.

THIS is an able work, written in a popular style and exhibiting a careful study of the period. In these days all that relates to war past or present has a very special interest. The story of a brave and vigorous defence by a little people against a powerful invader has been told again within the last few weeks.

Mr. Barron, who writes as a Highlander, and from the capital of the Highlands, has a special object in writing this book. That object is to demonstrate the part which Celtic Scotland took in the national rising. 'I may claim,' he says, 'to have proved beyond the possibility of doubt that the War of Independence was the achievement of Celtic Scotland, and especially of the northern part of Celtic Scotland, and that Teutonic Scotland—Lothian—had neither lot nor part in the Scot's long struggle for freedom.' He admits that if he is right, this part of the history of Scotland must be rewritten. It is only fair to the author to study the evidence which he adduces. It is probable that the share which Celtic Scotland had in the conflict has been unduly minimized by other writers, and the impression may have prevailed that while the Lowlands were engaged against the invader, the Highland clans were occupied as usual with the endless disputes which were to them the very breath of their nostrils. It must be kept in mind that by Celtic Scotland Mr. Barron means practically the whole kingdom outside of Lothian, which, if not actually upon the English side, was at least half-hearted. The north of our country included the rich and lowland lands of Moray, 'which fought ardently and whole-heartedly for the freedom of Scotland.' Another object of this work is to bring into prominence the share taken by Andrew de Moray, 'the too long forgotten patriot,' in securing the success of the movement.

In contrast to Mr. Barron's contention, may be set that of Mr. Andrew Lang, who says in his history of Scotland 'the War of Independence was won by the Lowland Scots (in origin mainly of English descent) fighting under the standards of leaders more or less Norman by blood.'

The author ascribes the long struggle to the 'overmastering ambition of Edward I. of England.' Edward may have had his ambition, but compared to that recently exhibited by another ruler of men, it was modest and not so very unreasonable. At the risk of seeming unpatriotic, we may venture to say a word for the English monarch. He found himself the king of the greater and richer part of this little island. The English had obtained a certain degree of civilization. The most civilized part of Scotland was either upon his side or at least somewhat indifferent. The existence of a separate kingdom to the north meant a constant state of disturbance, and even war, upon the border. The independence of Scotland involved centuries of strife—a strife which would have existed although Edward had never sought to conquer our country. Several centuries later Scotland fell into the hands of another strong Englishman, and the result was a gain to Scotland. We had just judges, a firm administration, and the miserable ecclesiastical and civil quarrels, for the time, ceased. Scotland was foolish enough to look upon Cromwell as its enemy, and to crown Charles II., and it had its reward. Scotland's worst foes have been found amongst its own sons. Lauderdale and Claverhouse were Scots.

All the same, this War of Independence was a famous episode in our history, and the plucky resistance offered to the English host deserves all that poets and prose writers have said in its praise.

Mr. Barron's account of Bannockburn is an admirable one. Popular tradition has exaggerated the numbers engaged. But this fact remains—the English greatly outnumbered the Scots, and were much better equipped. Yet their defeat was overwhelming, and brought about most important results. It is a striking proof that there are other things besides the strength of an army, which make for success in war.

Whatever the reader's views as to the points raised, he cannot fail to be interested in this latest contribution to Scottish history.

W. G. Scott Moncrieff.

A History of Northumberland, issued under the direction of the Northumberland County History Committee. Vol. X. The Parish of Corbridge. By H. H. E. Craster, M.A., F.S.A., Fellow of All Souls College, Oxford. Pp. xiv, 560. With many Illustrations and Maps. 4to. Newcastle-upon-Tyne: Andrew Reid & Co. Ltd. 1914. £1 11s. 6d. net.

The monumental history of the great and famous county of Northumberland, previous volumes of which have been noticed in this *Review* (ii. 317-8, v. 214-6, vii. 185-6), has reached one of the most important districts in the whole of the county. The present volume is devoted to the parish of Corbridge, which comprises a tract of twenty square miles lying athwart the Tyne between Hexham and Newcastle. In addition to the historical interest attaching to the town and church of Corbridge, some of the townships like Dilston, Aydon, and Halton are found to have special characteristics which have amply repaid individual investigation.

It is not often that the story of a parish in the north of England can be linked up in its successive stages from the period of the Roman occupation to the present day, but this has been done to a great extent, notwithstanding the paucity of evidence for some of the earlier periods, in the history of Corbridge. Professor Haverfield has contributed an important and illuminating appendix (pp. 457-522) on the Roman remains, and though the evidences, reinforced by the discoveries of recent explorations, continue to be indecisive on the precise character of the Roman settlement in that portion of the Wall, his account is so full of fact and suggestion that it may very well serve as a model of clear-sighted investigation on what is under the best conditions an obscure subject.

It is not astonishing that a town, which carries in its modern name a reminiscence of the name of Corstopitum, under which it appears in the Antonine Itinerary, should show signs of municipal life in the pre-conquest period and figure in some of the stirring scenes of the Northumbrian kingdom. In our opinion the careful blending of the archæological and chronicle evidences, on which has been constructed a continuous history, is one of the most successful chapters in the volume. The story of a district, when situated within an area of great events, is comparatively easy for the period of the Norman kings, but it is not often that clear indications of organised administration are found in the misty period beyond them. It would seem, too, that the civil history is illustrated by the witness of the parish church which is said to have Saxon foundations, the experts even averring that some of the masonry still to the fore was laid before the twelfth century. 'To this period,' says Mr. Craster, 'belongs the tower of Corbridge church, raised up, like that of Monkwearmouth, upon the walls of an earlier western porch. No other pre-conquest building has survived: but in all probability the earls of Northumbria had a residence here as well as in their other boroughs. One of the few remaining charters of Earl Henry fitz David is dated from Corbridge and proves that he at least resided here upon occasion.' It may be so, but the dating of a charter at a place is very poor evidence of residence.

Several families of note have had their homes in this parish, but none can compare with those of Carnaby and Radcliffe, who belong to Northumberland more than to Corbridge. From that county the glamour of James, third earl of Derwentwater and the Jacobite rising of 1715 will never fade. Numerous original documents, including the Derwentwater deeds in the Greenwich Hospital archives and charters in the Durham Treasury relating to Dilston, have been printed in full or in abstract in this volume. There are many plates of seals, views, ground plans, maps and other furniture associated with topographical history. The volume as a whole will occupy an honoured place in the great series. With its production there is only one regret: it terminates the editorial services of Mr. Craster to the County Committee. A grateful acknowledgment of his contributions to Northumbrian history has been made and was clearly his due.

James Wilson.

THE MAKING OF THE ROMAN PEOPLE. By Thomas Lloyd. Pp. vii, 136. Demy 8vo. London : Longmans, Green & Co. 1914. 4s. 6d. net.

MR. LLOYD puts forward a new and somewhat startling theory to explain the existence among the non-Aryan populations of Italy of a conquering Aryan race differing in language and civilisation from all the other dwellers in Central and Southern Italy. He suggests that when the Celtic migration passed westward from what is now Bulgaria and subdued what was called later Gallia Cisalpina, a detachment made its way southward through the abode of the enigmatical Etrusci and conquered a district to the south of the Tiber, forming the Patricians of Rome. The brown descendants of neolithic man, the race now represented by the Basques and the Berbers, together with some Etrusci, became the Plebeians. That the Patricians and Plebeians were originally two peoples is shown by the different modes of disposing of the dead, the former burning and the latter burying them. Many religious rites of Rome came from the Etruscans.

The main argument rests on language, Mr. Lloyd contending that Latin and Gaelic are more closely allied than is either to any other Aryan tongue. He regards Latin not as a sister language like Greek or Sanscrit, but as a direct descendant of the Gaelic of three thousand years ago. Lists of words are given to prove this resemblance, but these, though striking, hardly prove more than that Gaelic is an Aryan tongue, the resemblances between Latin and German being scarcely less marked. Two strong points are the use in Gaelic of a form corresponding to *est mihi* for 'I have,' and the use of the conjunction 'and' for 'when,' 'even when' or 'while' corresponding to the Latin *et dona ferentes*.

But there are some obvious blunders, of which perhaps the most glaring is the derivation from Gaelic of *tyrannus*, *thesaurus*, *psyche*, when the spelling alone shows that these are loan-words from the Greek. *Nach*, not, is compared with Latin *nec*, as if the *c*, which represents the enclytic *que*, were part of the root. *Neamh*, 'sky,' is compared with *num-en* (sic), as if the root were *num*, whereas the *men*, as in *agmen*, *flumen*, is a particle added to the root *nu*, 'nod,' a deity having only to indicate a wish by a nod, whereas a man must carry it out himself or get others to do it for him. *Cog*, 'make war,' is referred to Latin *cogo*, which is simply *co-ago*, as shown by the perfect *co-egi*. *Teidh*, 'go,' is compared with *ite*, the *i* of which is the root, the *te* being the sign of the imperative plural. Perhaps the wildest is the suggestion that the Scotch Mac, 'son,' is related to *amicus*, where the root *ama*, cognate with Sanscrit *kam*, to love, takes an adjectival ending such as that in *Asiaticus*, *bucolicus*.

Such solecisms prevent us from placing great confidence in the really ingenious suggestions that Gaelic *ban*, white, is cognate with *bonus* ; *mael*, bare, with *malus* ; *cota*, coat, with *toga* ; *baile*, town (Ballyshannon), with *villa* ; and *am*, time, with *im* (in *interim*). *Coinin*, rabbit, and *asain* or *asal*, ass, are from the Latin *cuniculus*, *asinus*, and *asellus*.

The main contention is lucidly set forth, and it may be true, and the book is eminently readable, but if it be so the proof must lie in the hands of a more practised philologist than the author.

H. A. NESBITT.

THE FALL OF CANADA. A Chapter in the History of the Seven Years' War. By George M. Wrong. Pp. 272, with seven Maps and five other Plates. Demy 8vo. Oxford: Clarendon Press. 1914. 8s. 6d. net.

IT is difficult to express the pleasure given to one by reading this account of one year of Canada's history. A 'chapter in the history of the Seven Years' War,' it deals with the final conquest of Canada in 1759-60 by the British, and could not have been better written. The writer has a thorough grasp of the difficult position of the French; their bravery, the corruption of the agents sent by the Court to the colony, their social qualities and their courtesy. He gives equal recognition for the good behaviour of the British, the dash of Wolfe, the firm but just rule of Murray, and the slow security of Amherst guided by the master hand of Pitt. The manner in which the war was conducted on both sides, and the easy terms given by the conquerors to the French, ought to have taught something to future conquering peoples. The book is altogether admirable.

A. FRANCIS STEUART.

YUSUF KHAN. The Rebel Commandant. By S. C. Hill. Pp. xii, 320, with Plans and Illustrations. Demy 8vo. London: Longmans, Green & Co. 1914. 10s. 6d. net.

THIS study of one who was, according to Sir John Malcolm, 'the bravest and ablest of all the native soldiers that ever served the English in India,' will fill a special niche in history hitherto empty. It is concerned with the life of a brilliant Hindu of Ramuad, originally named Maruthanyagaur Pittai, whose military career began after his conversion to Islam as Yusuf Khan. At his time it was still possible to carve out kingdoms in Southern India, where the French and British were struggling for supremacy, as it was quite uncertain which influence would prevail. Yusuf Khan entered the English service about 1748, rose rapidly by his ability to a wonderful height, and (after many struggles between the British and the French, detailed in this work) was made Governor of Madura and Tinnevelly in 1759, and proved an excellent ruler. It was not until 1763 that he became 'The Rebel Commandant' by hoisting the French colours. The sieges of Madura followed, and after its reduction in 1764 Yusuf Khan was executed, by order of the Nawab of the Carnatic. The author has done full justice to his subject, illustrated it with many newly discovered documents, and has unravelled the complicated political dealings of the French and British, and of the rulers of the Carnatic and Mysore, in a masterly manner.

COLLECTANEA FRANCISCANA I. Ediderunt A. G. Little, M. R. James, H. M. Bannister. Pp. vii, 163, with four illustrations. Demy 8vo. Aberdeen: University Press. 1914.

THIS book contains three articles by Professor Little, one by Dr. Montague Rhodes James, and one by the Rev. H. M. Bannister. The first describes and illustrates certain early marginal drawings upon the copy of the Chronica Majora of Matthew Paris in Corpus Christi College (MS. xvi). These sketches occur upon the original fair copy of the Chronicle, and one

of them—the figure of a Minorite in his habit—may be intended for a portrait, although Mr. Little does not think so. Above is the legend: *Frater Willelmus nacione Anglicus socius Sancti Francisci.* This, along with other indications, points to the possibility of these drawings being the work of, or inspired by, William the Englishman, companion of St. Francis. At all events they are, as Mr. Little points out, 'the earliest pictorial representations of the Preaching to the Birds and the Reception of the Stigmata now in existence.' The artist, whoever he was, was a capable draughtsman.

The second paper deals with a Franciscan manuscript formerly in the Phillips Library, now in the possession of Professor Little. It belongs to the early fifteenth century, and is valuable not only for its contents, but also in that it contains the complete Latin text of six chapters of the *Actus Beati Francisci et sociorum ejus*, hitherto only found in more or less inadequate and abbreviated versions.

Dr. James gives an account of certain books which belonged to the convent of the Grey Friars at Hereford. Eight of these MS. volumes are 'in the Library of the Dean and Chapter of Hereford, three are in the British Museum, three in the Bodleian, four at Cambridge.' The list does not claim to be exhaustive by any means, and in an *Addendum* two additional items are described.

Following Dr. James, Mr. Bannister treats of the numerous MSS. of English provenance in the Ottoboni collection in the Vatican Library, especially of those which indicate that they belonged to the Franciscans or Dominicans of Cambridge, and in the last paper Professor Little prints and annotates the Records of the Franciscan Province of England contained in Cotton Charter xxx, 40, in the British Museum, and also supplies us with a list of Provincial Chapters of the Grey Friars in England compiled from various authorities. To the student of Franciscan history this volume is of undoubted value.

JOHN EDWARDS.

MASTER-CLUES IN WORLD-HISTORY. By Andrew Reid Cowan. Pp. vii, 331. Crown 8vo. London: Longmans, Green & Co. 1914. 5s. net.

AT the outset the author explains that he has read 'in the end of the day' the history of every country that has a history, and also the literature devoted to the historical reconstruction of the ancient civilisations. This is much, but not all. After learning's crabbed text, still there's the comment. He has read the comment too, including all the classic books that attempt to ascertain the Science of History, from Montesquieu to Miss Semple. Having, he says, 'mastered all the best authorities,' he found much unexplained or erroneously presented, and has had to work out 'master-clues' for himself. Hence this book.

A chief master-clue is the antithesis between pastoralism and agriculture; another, the immemorial subjection of woman.

In the opening chapters, man, for the author's purpose, is described as a tool-using animal, and mechanical efficiency in tool-using as the groundwork of the test of civilisation. In the next chapter various 'determinants of civilisation' are discussed, and the statement is emphasised (by italics)

that agriculture could flourish most where best protected from predatoriness. Chapter IV. sketches the primary civilisations and the predatory mongols. The three following chapters are devoted chiefly to nomadism, its influence in Europe and America, and its passing, as firearms and wealth and numbers gave increased powers of resistance to agricultural peoples. It is suggested that Greece and Rome have been over-rated, and the author remarks that 'a master-clue in world-history is to keep the Romans and Greeks in their place.' After a brief recapitulation, he proceeds to deal with subsidiary features of his subject under the titles, 'The Highlander,' 'The Sea,' 'Sex,' and 'Tillage Civilisation.' The two final chapters are entitled respectively 'The Drift,' and 'The Future,' of Civilisation.

Mr. Cowan can evidently observe keenly and set down clearly. His book contains much that is interesting, and gives proof of no small industry and ability. It is, however, not free from superficiality and inaccuracy. It does not justify the author's claim to have mastered the vast regions into which he has made his evening excursions, and sometimes he seems more concerned to void the stuffing of his travel-scrip than to digest or co-ordinate it. While he makes many round assertions, he has much vague speculation, and seldom attempts to establish a proposition by definite argument and ordered evidence. Repeatedly, and justly, he himself describes his work as ideas outlined, propounded, or suggested, as if he meant little more than to hazard hypotheses for others to prove or disprove. He makes numerous quotations without supplying references for their verification. He calls his book condensed, but it is often diffuse, and it is not without redundancies, irrelevancies and repetitions. It is unequally written. Many pages are free from affectation, simple and clear. Others are disfigured by literary solecisms.

Reading maketh a full man, and Mr. Cowan is full to running over. But writing has not yet made him an exact man. His writing is often careless, and his statements are not wholly to be relied on. He writes, for example (p. 164) of Russia, that her 'lack of ethnic variety' and her 'racial homogeneity' 'favour that despotism under which the country still continues.' This is the opposite of the fact. There are few countries in the world with so much ethnic variety and so little homogeneity. Russia has, says Sir Donald Mackenzie Wallace, 'a variety of foreign tongues sufficient to test the polyglot acquirements of a Mezzofanti.' It is rather her ethnic variety and lack of racial homogeneity which have favoured, and perhaps made almost unavoidable, her despotic government.

ANDREW MARSHALL.

THE FINANCING OF THE HUNDRED YEARS' WAR, 1337–1360. By Schuyler B. Terry. Pp. xx, 197. Demy 8vo. London: Constable & Co. 1914. 6s. net.

THE period of the great war with which this very careful and detailed study deals saw the rise of England to the rank of a first class Power. This great development was partly due to her new sense of national unity and purpose, which showed itself not only in the efficiency of her small and well-trained army but also in the increasing wealth and prosperity of the

country. This was shown by the increase of that part of the Crown revenue which came from the taxation of the wealth of the people, and also by the rise of a class of English capitalists who, as the campaign progressed, became rich enough and skilful enough to take into their own hands the task of financing the war. Until 1343 the king had had to depend on the Florentine and Hanseatic merchants and bankers who made loans to him and manipulated the revenue which came from the wool trade. The Black Death had a disastrous effect on the financial position, but the English merchants managed to maintain their control of the national finances until the end of this period of the war.

Mr. Terry has gone with great care into the details of these financial operations. His book also gives much valuable information about the regulation of the wool trade and its effect on English relations with Flanders, and he shows how the need of revenue for the war influenced the growth of Parliamentary control over taxation.

THEODORA KEITH.

THE PURITANS IN POWER: A STUDY IN THE HISTORY OF THE ENGLISH CHURCH FROM 1640 TO 1660. By G. B. Tatham, M.A., Fellow of Trinity College, Cambridge. Pp. viii, 282. Demy 8vo. Cambridge: University Press. 1913. 7s. 6d. net.

THE Puritan Revolution does not lose its hold on English scholars. Mr. Tatham has followed up his careful study of Walker's *Sufferings of the Clergy* by the present volume, which has as its object the collection of 'evidence descriptive of the methods by means of which the revolution was accomplished, and generally illustrative of the outward aspects of the Puritan regime.' Except in a short introduction there is no attempt made to analyse the inner development of the Puritan movement, and the author has denied himself the interesting task of tracing its influence either on the religious thought of its day, or on the history of ecclesiastical parties, or on the relation of the Church to Nonconformity.

The matters of discussion, then, are narrowed down to five; and these, in their order, are the ejectment of Episcopal clergy from their parishes by the Puritans, the 'regulation' of the Universities of Oxford and Cambridge, the treatment of ejected clergy, religious freedom under the Puritans, and the disposal of Church property.

Two chapters are devoted to the discussion of the parochial clergy, their social standing, ecclesiastical sympathies, and ejectment. In regard of the first, he qualifies Macaulay's estimate, but he is more influenced by it than by Churchill Babington's criticisms to which he rightly refers. We are not disposed to accept all of Mr. Tatham's generalizations regarding social gradations in the seventeenth century, as to which the evidence of contemporary writers is varied and even contradictory. In an interesting fashion the author tries to find out the proportion of Laudian and Puritan clergy, and estimates that out of more than eight thousand livings, about four thousand were held by the former and about one thousand by the latter, the balance being held by men averse to extreme views. Mr. Tatham also treats at some length the significance of Puritan 'lecturers,' and points

out their political influence. A considerable mass of evidence from contemporary sources has been brought to the discussion of the motives, means, and justice of ejectment; and this leads to the conclusion that in the majority of cases the chief reason for dispossession was political rather than religious. The number of the ejected clergy, in the author's opinion, was between three and three and a half thousand.

The chapters on the 'fate' of these clergymen and of Church property supplement Mr. Tatham's previous studies on the *Sufferings of the Clergy*. He mentions several cases of cruel dealing and flagrant injustice, and, though he dispenses even-handed justice on the ecclesiastical parties in opposition, there are times when the balances swing somewhat against the Puritans. But nothing better could be said than his words regarding religious freedom: 'In spite of the popular cant about liberty for tender consciences, of which that age heard so much and understood so little, true tolerance was as foreign to the mind of the Puritan as it was to the Anglo-Catholic.'

Mr. Tatham has done good work in his chapters on the effects of Puritan rule on the Universities of Oxford and Cambridge. Both are exceedingly good. Like other students, Mr. Tatham has the advantage of entering into the labours of Cooper's painstaking and erudite *Annals of Cambridge*, but he has added much material from other stores. The volume is specially valuable to those who tend to exaggerate the claims of the Puritans.

ARCHIBALD MAIN.

NEWS OF A COUNTRY TOWN. Being Extracts from *Jackson's Oxford Journal* relating to Abingdon, 1753-1835 A.D., taken by James Townsend. Pp. 208. 8vo. Oxford University Press. 1914. 5s. net.

THE extracts which form the material of this book have been selected from a weekly local journal. They have been chosen with the object of placing before the reader various aspects of the life of Abingdon and neighbourhood during the latter half of the eighteenth and the first thirty-five years of the nineteenth century, and an excellent introduction serves to bring into focus the main points of the picture presented.

In the general condition of world politics much of the period lies in close analogy with the present day, when the trumpet note of war is in the air. In 1759 an attempted invasion is not regarded as beyond the bounds of possibility. 'Nov. 17, 1759.—The cavalry quartered in the Inland Parts of the Kingdom are marched towards the Sea Coasts, to oppose any attempts from the French; as they will be able to make more speedy marches on an alarm.' It is interesting to see how the difficulties of the recruiting problem were met. The press-gangs are hard at work. 'April 3, 1756.—They write from Marlborough that the Press was so hot last week at that Place, that People were taken out of their Beds, and strangers stopt upon the Roads;' and later, in 1777, 'they procure so few men that the Expense of each is esteemed at no less than Fifty Pounds a man to the Government.' French prisoners escape, but in these khaki-tinted times one imagines that liberty would be hard to win for the runaway clad, so we are

told, in a cinnamon or a claret-coloured coat, green breeches, gold garters, etc.

If the population of Abingdon then lacked the excitement provided by local football and the picture-house, a fair equivalent was furnished by the prize fight, cock-fighting, and fairs, where they 'grew excited by the beauty of the Grand Turk's Palace,' or at the 'wonderful feats of The Little Strong Woman,' to say nothing of an occasional public execution. On the whole the life of the country town was probably less hum-drum than it is to-day. For a native of Abingdon this book will, of course, have a peculiar interest, but even for a stranger it is a pleasant volume to dip into.

A. O. Curle.

Bartolus of Sassoferrato. His Position in the History of Medieval Political Thought. By Cecil N. Sidney Woolf. Pp. xxiv, 414. Crown 8vo. Cambridge: University Press, 1913. 7s. 6d. net.

The Thirlwall Prize Essay of 1913 was this notable exposition of the political concepts adopted rather than independently formed by Bartolus, a mighty commentator and 'Postglossator,' born 1314, died almost certainly 1357. Empire and Papacy, Empire and Kingdoms and States, Empire and Jurisdiction—these sections of discussions contained in the voluminous works of Bartolus are propositions which Mr. Woolf sets himself to analyse. The middle ages had an insufficient appreciation of the difference between the Empire as it was when the Code was under formation and the Empire which maintained a very unstable and fluctuating existence and authority in the thirteenth and fourteenth centuries. Its universality of dominion, the extent of its jurisdiction, the rivalry if not the superiority of the Papacy to the Empire, also the rights of kings and sovereign states, supplied abundant matter of debate in which consistent political theory was apt to go to pieces against anomalous political and ecclesiastical fact. Elements of these problems are eternal. The old Rome had its solutions; the Holy Roman Empire had a variety; the Napoleonic system did not last long enough to make them necessary; the new German world-grasp with a Pan-Germanic world-code remains a merely impious imagination. Mr. Woolf supplements the group of special studies by Gierke and Maitland and Dr. Neville Figgis through which the opposition and interaction of imperial and papal aspirations, and of national kingships are exhibited, producing unceasing changes in European relationships and ecclesiastical and diplomatic standpoints. Chief problem of all was that of Empire and Papacy. On this Bartolus in terms adopts the papal side, that finally the papacy was the higher universal power. His modern critics appear to consider his conclusion rather a pious acquiescence than an intellectual conviction; but his clear-headed recognition that the Emperor, although *de jure* and theoretically 'dominus omnium' was far from being such *de facto*, tends to support literal acceptance of what he said as truly his final view overriding all anomalies and exceptions. Similar elements enter into the relation of kingship to the empire, with the difference that Bartolus regards royal independence as implying a grant from the emperor or 'rex universalis.' We cannot wonder that authorities dealing with inferences so profound and

complex, differ as to the originality and value of Bartolus. So much that is 'common form' permeates medieval writings that it is possible to doubt the independence assigned to him by Dr. Figgis and the essayist; but be that as it may, Mr. Woolf, by his excellently lucid and comprehensive exposition, has well earned his right of judgment. He also has won for himself a place of distinction among the interpreters of the medieval mind in certain grooves of high politics.

GEO. NEILSON.

THE ENGLISH FACTORIES IN INDIA, 1646-1650 : A Calendar of Documents in the India Office, Westminster. By William Foster, C.I.E. Pp. xxxii, 362, with Illustration. Demy 8vo. Oxford : Clarendon Press. 1914. 12s. 6d. net.

ONE of the side-lights on the details of English commerce with the East is to be found in the frequent references to the losses or delays of ships, and an incident connected with the preparation of the present volume brings home to the reader the perils and chances of the sea, even for modern ships. A number of the documents abstracted came from Surat Factory Inward Letter Book, which was preserved at the Bombay Record Office. The volume was sent home, and after being used was consigned to the *Oceana* for return to Bombay, only to be lost in the wreck of that vessel.

The period covered by this volume is one during which the activities of the company continued to be contracted by the doubtful situation at home, while affairs in India were depressed. Thus the burden of the factors' letters is the want of money and financial pressure. Perhaps the grim determination of the servants of the company to stick to their posts in the face of many discouragements is a greater testimony to the national character than the successes won during easier times. Like its predecessors, this volume gives us many glimpses of human nature. As for instance when President Breton writes that the circulation of base money by the agents of Courteen's Association was a national disgrace; or the indignation of the staff at 'the damned apostasy' of a factor who turned Muhammadan; or again when the *Farewell* arrived with the company's letters 'but not one dropp refreshing in this time of missery, when the least would have bine very acceptable and comfortable unto us to have washed our heavie harts.'

W. R. SCOTT.

THE ROYAL STEWARTS. By T. F. Henderson. Pp. x, 590. With numerous Illustrations. Demy 8vo. Edinburgh : Wm. Blackwood & Sons. 1914. 16s. net.

ALTHOUGH an oft told tale, we have here a reliable account of the Stewart line of Kings of Scotland, England and Ireland. Rightly casting aside the legendary descent from Banquo, the writer follows Dr. Round in tracing their origin to Dol in Brittany before their elevation to the office of High Steward (ought this not to be the Scottish word Stewart, whence 'Stewartry,' *e.g.* Kirkcudbright and Orkney and Zetland?) of Scotland. The crux of the marriage of Robert II. to Elizabeth Muir is explained, and the writer

holds that it was a real marriage and that her children's title to the crown was not parliamentary alone. That it was doubtful is however shown by his enumeration of the constant intrigues of her successor's descendants.

Mr. Henderson's account of the early Jameses is good, and that of Mary Queen of Scots is, as one would expect, but little biassed in favour of that Queen's innocence. Her thraldom under Bothwell he considers the result of her passion for him, and he uses 'the casket letters' as proof. He makes a strong statement when, in summing up her career, he writes, 'Except indirectly, she exerted absolutely no influence on the events of her times,' which is strange when descriptive of this 'daughter of debate.' Her son James VI. is on the other hand more favourably regarded by him, and the death of Charles I. is characterised as 'a mere assassination.' The political ability of Charles II. is adequately dealt with, and a naturally pathetic account of the later Stewarts after their fall ends the book. It is noted that Henry IX., the king *de jure* only, and known as Cardinal of York, the last of his line, attained a far greater age than any of the kings *de facto* who were his ancestors.

The book bears some traces of hasty compilation. To mention a few instances of this. Lady Anne de la Pole is misnamed Lady Anne Suffolk. On page 111 we read that Francis, 5th Earl of Bothwell, was son of King James V., instead of grandson, a mistake repeated (though there he is called 'James') in the tabular pedigree at the end. 'Salm-Kynberg' on page 531 should read Salm-Kyrbourg.

A. Francis Steuart.

Roman Britain in 1913. The British Academy Supplemental Papers II. By Professor F. Haverfield. Pp. 58. With numerous Illustrations. 8vo. Oxford : University Press. 1914. 2s. 6d. net.

Students of Roman Britain will welcome Professor Haverfield's promise to publish each year a review of the work done in this subject. The first instalment has appeared and is of the greatest interest.

Two things in it are the more important for being new. Professor Haverfield edits the Roman inscriptions found in Britain during the year, providing a valuable continuation to the last number of the *Ephemeris Epigraphica*, in which he brought the record of our inscriptions down to the end of 1912. He also gives a list for 1913 of books and articles that relate to Roman Britain, indicating their value as well as their scope.

A sketch is added of the year's excavations, including his own explorations (with Dr. George Macdonald) at Ythan Wells in Aberdeenshire, Dr. Macdonald's skilful work along the Antonine Wall, the Glasgow Society's excavations at Balmuildy and the recent find of coins in Galloway. Summaries of this kind are already given by other writers, but none employs the critical method of Professor Haverfield, or uses the new material for historical reconstruction with the same authority. It is, of course, inevitable that such a sketch, since it is history in the making, should provoke questions which it has no room to anticipate and answer within its narrow compass. Thus, one wonders what is the very definite evidence Professor Haverfield has to go upon when he presents the view

that 'the Romans did not advance seriously north of lat. 54° till Agricola' as so certain that it enables us 'to revise our dating of Samian' and override the analogy of German sites. And Professor Haverfield, by the way, is not just in ascribing to Déchelette the view that the carinated bowl had disappeared before A.D. 70.

This publication, besides presenting new documents important for the history of the province, is itself an interesting document for the history of Romano-British studies. The history of such studies in recent years, when it is written, will be largely a record of the activity of Professor Haverfield. Of the work that is now being done in Britain in this subject most is more or less directly originated by him, much of it he assists to organize and direct, and all of it he periodically reviews, coordinates and (one must add) sits in judgment upon, castigating what he disapproves in trenchant English or Latin. It might perhaps be said that Professor Haverfield's preoccupation with this corrective function tends a little to warp the form in which he presents his own historical reconstructions, but there is no doubt that his criticism has been salutary for other people; he has disencumbered the subject of a mass of ineptitude with which it was long overlaid. In his present review Professor Haverfield uses the lash but little—a sign, let us hope, that he is raising Roman studies in this country to the level of his own approval. Yet he might well have taken more severely to task a book recently published with the authority of the Cambridge Press.

S. N. Miller.

Det Arnamagnæanske Haandskrift. 81a fol. (Skalholtsbok yngsta). Edited by A. Kjær. Pp. 223. 8vo. Kristiania: Det Mallingske Bogtrykkeri. 1911.

Eirspennill. AM. 47 fol. Edited by Finnur Jonsson. Pp. 128. 8vo. Kristiania: Julius Thomtes Boktrykkeri. 1913.

Ældre Norske Sprogminder. Edited by Torleiv Hannaas. Pp. viii, 70. 8vo. Kristiania: Grøndahl & Søn. 1911.

These are further issues by the Norwegian Historical Manuscript Commission, and fully sustain the reputation of the series for the scrupulous care with which the original sources of Norwegian history in the Old Northern (or 'Icelandic') tongue are now being collated and revised by competent scholars, Norwegian and Icelandic. The first of these publications contains the continuation of the Boglunga Sagas and the Saga of Hakon Hakonson, with A. Kjær as editor. The second gives the Sagas of several Norwegian kings, edited by Finn Jonsson; while the third is a collection of old words, interesting to the student of comparative philology, from Robyggjelaget district, compiled and edited by Torleiv Hannaas.

The Sagas here rendered contain not only passing references to the Norwegian colonies of Shetland and Orkney, but also present picturesque accounts of well-known events in English and Scottish history. Such are the battle of Stamford Bridge in 1066, when King Harald Hadrada was defeated and lost his life in his struggle with Harald Godwinson, the last of the Saxon kings of England, on behalf of Earl Tostig, the rebel brother of the

latter; the conquest of England by William the Bastard; and the expedition of King Magnus Barefoot to Scotland in 1093 (or 1098), when he secured for Norway the promontory of Cantyre by the device of having his ship dragged across the isthmus at Tarbert. These independent narrations have been recognised as possessing a significance and value which cannot be ignored by British historians.

GILBERT GOUDIE.

HISTOIRE DE L'HISTORIOGRAPHIE MODERNE. Traduit de l'Allemand par Emile Jeanmaire (avec notes et additions de l'Auteur). Par Ed. Fueter. Pp. vii, 785. 8vo. Paris: Librairie Félix Alcan. 1914. 18 fr.

FOR a general view of 'the history of written histories,' there is no better book than this. The author has kept himself within limits which preclude the notice of writers not expressly historians, and the result is an incompleteness which deteriorates from the value of a work of this kind; the volume cannot be regarded as final. The opening chapters on the Italian Humanists, Petrarch, Boccaccio, and their successors, are excellent, so also the account of the romantic narrative and the doctrine of local colour; though Sir Walter Scott's contributions to this phase of historical writing should have received more attention. In most cases the criticisms are just, but not the summary of Carlyle's achievements as an historian. His faith in hero-worship is condemned as leading to concentration on the individual and neglect of political and social phenomena. To state that Carlyle failed in biography through lack of insight into personality is as much in discordance with facts as to say that 'he has enriched historiography with scarcely a single new idea.' The work, however, is full of interest and suggestion, while the translation itself is of an unusually high standard.

J. G. HAMILTON-GRIERSON.

SOME ACCOUNTS OF THE BEWCASTLE CROSS BETWEEN THE YEARS 1607 AND 1861. Reprinted and annotated by Albert Stanburrough Cook, Professor of the English Language and Literature in Yale University. Yale Studies in English, No. 50. Pp. vi, 148, with numerous Illustrations. 8vo. New York: Henry Holt and Company, 1914. $1.50.

FOR the past three centuries the monolith in the churchyard of Bewcastle on the English Border has been a source of curiosity and speculation not only to native antiquaries but to scholars in many lands. In recent years, chiefly by reason of the studies of Professor Cook, much attention has been bestowed on this and the kindred monument at Ruthwell, and quite a little crop of literature is springing up in discussion of their antiquity and object. Professor Cook has been long interested in the two Border crosses, his first publication thereon dating so far back as 1890. When his book on 'The Date of the Ruthwell and Bewcastle Crosses' (Yale University Press, 1912) appeared two years ago, in which he maintains that both monuments had their origin in the twelfth century, his conclusions were not generally accepted, and several champions went into the arena to contend with him. In furtherance of his views he has, in the volume before us, reprinted in

chronological order the accounts of all his predecessors who have discussed the Bewcastle Cross from 1607 to 1861. The supplementary note on p. 148 is clearly an afterthought, for the account of Reginald Bainbrigg, the Appleby schoolmaster, there printed as made to Camden about 1601, should have taken first place. It appears to be the first reference to the famous monument.

We are informed by the author that the general tendency of these old accounts goes to support his own views. But does the support of these old writers amount to much? Great names are of less consequence to us at the present day than convincing arguments. It is doubtful whether the present generation will be much influenced in favour of a twelfth century origin of the Bewcastle Cross from the mere fact that the earliest commentators ascribed the monument to that period. The author's contention will have to be judged by the arguments he uses and not by the *obiter dicta* of his predecessors. Indeed, if an estimation of authorities be allowed, our prejudices go with the later writers, for the opinions of those who preceded them must have been weighed and rejected by them. For this reason the views of Haigh or Maughan of the past generation seem more worthy of consideration than those of Roscarrock and Camden some centuries before. On the other hand the publication has a distinct usefulness: those of us who have not ready access to a good library are enabled by Professor Cook's industry to trace the history of antiquarian speculation on the date and intention of the monument.

The most valuable part of the compilation is, in our opinion, an appendix of notes (pp. 127-148) in which the author displays his well-known learning and critical judgment. The student will probably give more heed to these notes than either to the letterpress of the old accounts or to the fanciful pictures of the monument by which they are embellished.

JAMES WILSON.

PAPERS OF THE AMERICAN SOCIETY OF CHURCH HISTORY. Second Series. Vol. I. Edited by Samuel Macauley Jackson, Secretary. Pp. vi, 158. Demy 8vo. New York and London: G. P. Putnam's Sons. 1913. 12s. 6d.

THIS small volume is a reprint ot the report and papers of the first and second meetings of the society in its reorganized form. These cover only two years of its history, 1906 and 1907, but they prove that much good work in ecclesiastical research has been done.

The President, Dr. Williston Walker of Yale University, contributes two papers. The first is a careful and well-informed address on *The Current Outlook in Church History*, which deals with ecclesiastical events and literature during the year 1907; while the second is an account of the forms of worship used in certain American Churches. Perhaps the most interesting of the remaining papers is Mr. Corwin's *Recent Researches in Holland and the Ecclesiastical Records of the State of New York.*

Mr. Preble's translation of Einhard's Letters, which is added to this reprint, increases its interest for the ordinary reader.

ARCHIBALD MAIN.

A History of England and Greater Britain. By Arthur Lyon Cross, Ph.D. Pp. xiv, 1165. With 13 Maps. Demy 8vo. New York: The Macmillan Co. 1914. 10s. 6d. net.

The compression of the history of two thousand years into little more than one thousand pages leaves scant room for brilliant disquisition or vivid narrative, but it would be difficult to give the mere facts of history more completely, or in more pregnant and telling sentences, than is done by Professor Cross. As a guide to the student in a course of history it could hardly be surpassed. It is eminently impartial. In the account of Charles I. there is nothing to which Clarendon could take exception, while Milton could maintain that it fully justified the case of the Roundheads. No Englishman could be hurt by the accounts of the War of Independence, of the War of 1812, or of the Alabama dispute. A follower of Mr. Gladstone may think that his foreign policy is unduly depreciated, no mention being made of the treaty by which Great Britain prevented the invasion of Belgium by either France or Prussia in 1870, but he will be consoled by the analysis of the career of his brilliant antagonist.

Again, the Boers are said to have been arming ever since the Jameson Raid. They had in fact been arming ever since Majuba Hill. A great deal is made, apparently in a most friendly spirit, of the rise of Imperialism in these latter years, but no distinction is drawn between the Imperialism which strives to make the Empire one by community of feeling, by the consciousness of blood relationship, by the joint inheritance of British liberty, and that Imperialism which would create factitious bonds of self-interest in order to increase the power of the Mother Country over its dependencies. However, a partisan is always apt to complain of the attitude of an impartial writer, and to that character Dr. Cross is so far entitled that he does not indicate his own sentiments on such burning questions as the Home Rule Bill and the House of Lords. Neither side could complain of his statement of the case, and yet this is not colourless, but gives tersely and forcibly the views of both sides. The book also treats in a masterly fashion the growth of the Common Law in England. The lists of authors to be read in connection with the several chapters are full and discriminative, and we welcome this work as one of the most valuable books of reference on English history from the earliest times to May of the present year.

H. A. Nesbitt.

George the Third and Charles Fox, the Concluding Part of the American Revolution. By the Right Hon. Sir George Otto Trevelyan, Bart., O.M. Vol. II. Pp. xii, 473. With Map. 8vo. London: Longmans, Green & Co. 1914. 7s. 6d. net.

After an interval of two years, Sir George Trevelyan has produced the second volume of his George III. and Charles Fox. It is quite worthy of its predecessor, and forms most interesting reading from beginning to end. As in the former part of this work noticed in this *Review* (*S.H.R.* ix. 313), the reader flits between England and America, and from the luxury of Brook's Club to the hardships of the Carolina campaign. The War itself drags its

weary way throughout the volume. It would appear that Lord North's Government adopted the methods more recently followed by the Germans, concealing the true state of affairs from the public, and publishing all manner of false news. But this is not a policy which can be successful for long. We note as of particular interest the account of the state of Ireland, and that of the English and Scottish Parliamentry representation towards the end of the eighteenth century.

W. G. Scott Moncrieff.

Essai sur les Origines de la Chambre des Communes. Par D. Pasquet. Pp. 271. 8vo. Paris: Armand Colin. 1914.

In constitutional history as elsewhere the present age insists on a revaluation of hitherto accepted values. The well-known series of dates from 1213 to 1295 stressed by Bishop Stubbs as of prime importance in the application of the representative principle to the composition of the national Parliament and accepted by historians without question for half a century, has recently been submitted to searching examination by critics, American, French, and German, as well as English. The value of the stages represented by some of these dates has been markedly lowered, while new stages and dates, particularly the Parliament of 1275, have been allowed to share honours previously monopolised. No final concord is yet in sight; but one main result of the trend of recent discussions as to the origin of our representative chamber, as in other cases of institutional genesis, would seem to point to lengthened periods of slow, unconscious development, rather than to the calculated action of individual statesmen, deliberately moulding the future at specified dates that may be singled out and reckoned as crucial stages of development.

The exact year when the House of Commons first came into existence, and the exact purpose for which town and county representatives were first invited to Parliament, are subjects of debates that may well prove endless, for the ambiguous language of such questions suggests widely differing problems to different minds. Do we mean by the 'origin' the first appearance of representatives of one isolated shire or borough at a central Council for one occasion only? or do we mean rather the assembling together of representatives of all counties and towns on a permanent basis? Does the 'origin' date from the first moment when such representatives shared in any one function, however humble, of the central Parliament? or does it imply a full and equal participation in every one of its varied forms of activity? Further complications arise from any attempt to define what extent of delegated powers entitle the recipients to the name of 'representatives,' or what essentials a council must have to warrant its claim to be reckoned as a full Parliament. In passing from the question of date to the object of the earliest summons, all these difficulties reappear in a form only more acute.

Interest in these subtleties has been stimulated by the recent discovery by Mr. Jenkinson of important writs of 1275, while notable contributions have been made to the discussion of the whole subject by, among others, Dr. Riess of Berlin and Prof. G. B. Adams of Yale. The time seems ripe

for a full, temperate, and well-informed treatise on the whole subject; and this task has now been performed by Mons. Pasquet in a book of admirable tone and temper, worthy of all praise. While there is nothing in his conclusions that is actually of startling originality, he has displayed, in covering the familiar ground anew, all the fine qualities that we confidently expect from the highest type of French historical scholarship—exhaustive examination of available evidence, impartiality and balanced judgment in drawing conclusions, and a literary presentment that makes reading a pleasure.

It would be an injustice to Mons. Pasquet to attempt an analysis of his conclusions in the limited space at our disposal; and this is the less necessary, as the book is one which every person interested in the subject will be wise to read for himself. There are likely to be differences of opinion as to the extent to which our author's researches compel a revised estimate of Dr. Stubbs' widely accepted theories regarding the aims and motives of Edward I. in broadening the basis of Parliament, and of the relations of that King's later to his earlier Parliaments; but there seems no room for doubt that Mons. Pasquet has made possible a substantial advance towards a better understanding of the important problems connected with the origin of the House of Commons.

Some of Mons. Pasquet's readers may be disappointed that he has not discussed the question of the origin of the franchise or the effect of the series of Lancastrian statutes upon the procedure to be followed at the county courts for the appointment of representatives; but perhaps that may follow in due course as a sequel to the present treatise. WM. S. MCKECHNIE.

ELIZABETH AND HENRY IV. Being a Short Study in Anglo-French Relations, 1589-1603. (Arnold Prize Essay, 1914.) By J. B. Black, B.A., Lecturer in History, University of Glasgow. Pp. viii, 202. Oxford: B. H. Blackwell. 1914.

IN his admirable essay Mr. Black relates freshly and originally, and with delightful clearness, the course of Anglo-French diplomacy in the last fifteen years of Queen Elizabeth's reign, and the causes which prepared the way for the reversal of her statecraft by her successor. His book is chiefly the fruit of personal research in the State Papers in the archives of this country and of France. There he has found material hitherto little examined. Mr. Black and Professor Cheyney, of the University of Pennsylvania (whose name, by the way, Mr. Black inadvertently misspells), appear to have been simultaneously attracted to this hitherto comparatively neglected moment in English history. Mr. Black's essay was completed before the publication, a few months ago, of Professor Cheyney's brilliant first volume, and the two volumes, alike engaging, are by no means competitive, but complementary. Mr. Black's work is devoted to Anglo-French affairs, and to the diplomatic rather than the military aspect of these, the personal conflict of wits between Henry and Elizabeth, each professing affection but moved by interest only—Henry in sore need, Elizabeth giving grudgingly, haltingly, with meanness and vacillation, but with the intensest determination for England's safety.

A brief introduction sketches the situation at the beginning of the period: France, reduced to bankruptcy and impotence by her wars of religion; Spain, powerful and aggressive; the defence of English and European liberty falling to England and Elizabeth. Chapter II. deals with the expeditions to Brittany and Normandy, Henry IV. having succeeded to a kingdom a great part of which he had still to conquer, Elizabeth helping him sparingly, her main object to drive and keep the Spaniards from a footing on the French coasts, whence they could menace England, and ever desiring to hold a French seaport as a doorway for her troops and a security for Henry's debt to her. In Chapter III. Henry has found Paris to be 'worth a mass,' has abjured Protestantism, and rules an almost united France. He makes peace with Spain, and Elizabeth accuses him of that ingratitude which men, she writes, have justly named the sin against the Holy Ghost. England was in danger of isolation. The final chapter shows her holding the command of the sea and arresting the designs of Spain; and, in Mr. Black's words, 'the principles of maritime law being hammered out anew.'

His work is an original, solid and important contribution to English historical study. ANDREW MARSHALL.

ORKNEY AND SHETLAND RECORDS. Collected and edited by Alfred W. Johnston and Amy Johnston, with Introduction and Index by Alfred W. Johnston. Vol. I. 8vo. Pp. lxv, 389. London: Printed for the Viking Society, University of London, King's College. 1907-1913. 31s. 6d. net.

WHAT was found part by part worthy of warm welcome (*S.H.R.* iv. 342, vi. 434, vii. 204, viii. 316, xi. 329) merits equal commendation when assembled—if not commendation greater rather than equal in the sense that the whole is in virtue of its new unity so much better than the unassembled parts. Students of the Viking time (and the epoch is not yet ended), whether attracted by its ever fresh breath of the isles and the sea and its memories of galleys and jarls and shipboard and seaboard battles, or by its interest in the annals of peaceful penetration and Norse settlement east and north and west, will be right glad to have this dumpy book of charters, extracts from chronicle, documents of law-process, conveyancing deeds and sasines, *et hoc genus omne*, ranging in date from 1056 until 1634. It is sure of its place as a work of reference not merely for the texts it presents but also for its apparatus of commentary, comprising a very considerable introduction, classified and dated abstracts of the contents, an elaborate index of words and subjects rich in explanations of obscure words of law and local custom, and finally a complete index of places, persons (with each reference dated), and saints' days.

Thus one of the very best equipped collections of documents ever put together stands to the credit of Mr. and Mrs. Johnston and the Viking Society. A most cordial tribute is paid at the end of the introduction to the late David Balfour, to Archdeacon Craven, and to Gilbert Goudie, whose antecedent studies so well prepared the ground for the Orcadian cartulary, of which this is the first, but self-contained, independent, and

complete volume. 'To these three scholars, in grateful acknowledgment of their inspiration and leading, this Introduction is dedicated.' A handsome spirit reveals itself in this loyal expression of fellowship and solidarity in study among the modern vikings. More direct acknowledgments are made to Absolon Taranger for suggestions and criticisms, to Ión Stefánsson for translations and notes, and to the Rev. Henry Paton for text and translations of numerous documents. The Viking Society deserves every encouragement towards that second volume, in which a continuing series of writs may be accompanied by further introductory studies of the sociological evidence in which the material abounds.

Alongside this Viking landmark of charter-lore there must now be placed the—just issued—Scottish History Society publication, the *Records of the Earldom of Orkney*, edited by Mr. J. Storer Clouston. The introduction calls for separate review hereafter as the enunciation of a most important proposition for the reconstruction of Orkney constitutional history based on the quartering of the islands and the grouped triples of parishes—features of far reach in their parallel to the data of Iceland and the Isle of Man. These very attractive new lines of inductive synthesis on Norse colonial method appear to have sprung in part from the discussion of the much-vexed 'roithman,' whose significance has made him the parent of fruitful interpretations of institutional evolution. Mr. Johnston and Mr. Clouston are instructive critics of each other at many opposing points, but their conjunction for the true purposes of history is only one degree less marked when they agree than when they differ. They have advanced the Isles into the front of historical progress.

GEO. NEILSON.

THE WHIG PARTY IN THE SOUTH. By Arthur Charles Cole, Ph.D. Pp. xii, 392, with seven Maps. Crown 8vo. Washington: American Historical Association. London: Humphrey Milford, Oxford University Press. 1914. 6s. 6d. net.

THIS book was the Justin Winsor Prize Essay in American History for 1912. The National Whig party rose from 1830 to 1835, and, the writer says, can truly be regarded as the logical successor of the old Federalist and National Republican parties. The book is very well written, and its data, down to 1861, are vouched for in an exhaustive bibliography.

THE DEPARTMENT OF STATE OF THE UNITED STATES: ITS HISTORY AND FUNCTIONS. By Gaillard Hunt, Litt.D., LL.D. Pp. x, 459. Demy 8vo. New Haven: Yale University Press. London: Humphrey Milford, Oxford University Press. 1914. 10s. net.

IN this monograph the author leads up well to the creation of the Department in 1789, its formation, development, and functions, and recounts the history of its constitution, law, diplomatic and consular service, as well as its treaties, of which, of course, extradition is one. This well-constructed book arose from a series of articles in the *American Journal of International Law*.

STUDIES IN TAXATION UNDER JOHN AND HENRY III. Yale Historical Publications. By Sidney Knox Mitchell. Pp. xv, 407. Demy 8vo. New Haven: Yale University Press. London: Humphrey Milford, Oxford University Press. 1914. 8s. 6d. net.

PROFESSOR MITCHELL has collected a great deal of material which students of the thirteenth century will find useful. His method of presenting his facts has made it impossible for him to write a distinguished or even a significant book. An exhaustive chronological study of the various forms of taxation is followed by a chapter of conclusions which are by no means novel. Mr. Mitchell follows his colleague and adviser, Professor Adams, in regarding all taxation as feudal, and in emphasising the importance of the great Council, but the body of his researches is only indirectly concerned with these views. His main conclusion, that later taxation developed from the taxes on property as a whole and not from the feudal taxes proper, has been accepted by all historians. Mr. Mitchell, however, unlike his predecessors, pays very little attention to what is called indirect taxation, which was by no means negligible in the thirteenth century, and deserves elucidation.

The main interest of the book lies in the careful discussion of the scutage and the fine paid for a dispensation from military service; unfortunately, though the author gives much information, and shows the kind of material which we may expect from the unpublished Exchequer Memoranda Rolls and the Scutage Rolls, he is unable to reach very definite conclusions upon the distinction between scutage and the fine. In spite of the frequent summaries and suggestions, the book will be of most value as a storehouse of facts.

THE HISTORY OF THE PROVINCE OF CAT (CAITHNESS AND SUTHERLAND) FROM THE EARLIEST TIMES TO THE YEAR 1615. By the late Angus MacKay, M.A. Edited by the Rev. D. Beaton, Wick. Pp. xvi, 231. With Frontispiece of Author. 4to. Wick: Peter Reid & Co. Ltd. 1914. 10s. 6d. net.

THE author of this book unfortunately died before it was published and it was Mr. Beaton who saw it through the press. He, however, incorporated in it some notes by other antiquaries from whom Mr. MacKay had sought information, and we thus get a pretty complete history of the province, which includes the counties of Caithness and Sutherland. A chapter which describes the early Celtic saints in this Pictish northland and their superseding by the Roman Church gives food for thought. Lord Reay in his short foreword draws our attention to the chapters on the Norse conquest and the clan feuds. The Northmen spread over the northern and flat part of the province and gradually cut it off from the mountainous and Celtic south. We read of many fights with the Islanders both in Orkney and in the West. There was also much internecine fighting between M'Kays, Sinclairs, Gordons, Keiths, Gunns, and Sutherlands, and these feuds are recorded with much care. The author brings his work down to 1615, and those who read it will find it an addition to our historical knowledge of the extreme north.

THE PARTITION OF EUROPE. A Textbook of European History. 1715–1815. By Philip Guedalla. Pp. vii, 311, with seven Maps. Crown 8vo. Oxford: Clarendon Press. 1914. 4s. 6d.

THE Peace of Utrecht gave a new basis of settlement to Western Europe by terminating the war of the Spanish succession. The signatories were France, Spain, England, Holland, the Empire, Prussia, Savoy, and Portugal. England, now Hanoverian, gained much by it. The settlement, however, was ended by the Spanish war with England in 1738, by which time the rise of Russia under Peter the Great had introduced a new great Power, not a signatory, into the European family. To trace the rise and fall of the Powers and the changes of their boundaries during the next hundred years is the scope of this book. The words describing the policy of Frederick the Great of Prussia during his invasion of Austria and Saxony might *mutatis mutandis* be applied to the present situation between Germany and Belgium, which shows the inspiration of the German *welt-politik*, and the Rise of Prussia is singularly well described. The decay of France under Louis XV. and the awakening under the Revolution is also exhibited in an excellent manner, in contrast to the British loss of the American colonies and with the recovery of power, particularly on the sea, under George III. *Finis Poloniae* comes in this book. So does the degradation of Italy until the rise of Napoleon—the spiritual son of the French Revolution—again gave it an ideal. The work deals with the period of monarchy in Europe, and is exceedingly well constructed and well written. One misprint should be corrected. On page 70 Peter II. of Russia should not be described as son of Catherine I., but as her step-grandson, a mistake which does not occur, however, in the tabular pedigree at the end.

LIFE OF REVERDY JOHNSON. By Bernard C. Steiner, Ph.D., LL.B. Pp. v, 284, with Portrait. Demy 8vo. Baltimore: The Norman Remington Co. 1914. $2.50 net.

REVERDY JOHNSON was born in 1796, and was admitted to the American Bar in 1816 at the age of twenty. He was in the Senate during the War (1863-65), was Minister to England (1868-69), and died in 1876, the undisputed head of the American Bar and leading lawyer of the United States. His life, chiefly in its political aspects, is well told here, and there are many excellent extracts from his brilliant speeches. He opposed Woman Suffrage on the ground that woman 'is intended to be delicate. She is intended to soften the asperities and roughness of the male sex.' A sentiment surely of Victorian wording.

Somehow Bannockburn suddenly receded into a past almost inconceivably archaic, negligible and inconsequent. The living crisis which came upon us just after our Midsummer celebrations of the sexcentenary, killed for the time the battle of long ago. The intense world-grapple, with ourselves in the thick of it, has so engrossed our minds that it will be difficult to bring them back to the previous pitch. Nevertheless the contributions of 1914 to the historical problems of Bannockburn are a register of the

keenness with which the minor patriotism, Scots or English, concerned itself with an ancient international episode, until the major patriotism of Britain's hour of need and danger made even mimic strife out of keeping with a united imperial spirit. When, however, we hang the trumpet on the wall again, we shall gladly take down from the shelf the 'Centenary Monograph' which an accomplished student of the medieval army system has devoted to the subject—*Bannockburn*, by John E. Morris. (Pp. viii 107. 4to. Cambridge University Press, 1914, price 5s. net.) Recent disquisitions turn on two main questions, both of them raised by Mr. W. M. Mackenzie's essay; first, whether the site was on the high ground above St. Ninians or on the Carse below, and second, whether the Scots did not take the offensive in the battle. The counsel of the critics is divided on these matters and the site has been discussed with some animation. It may be useful to refer specifically to Sir Herbert Maxwell's reply to the case for the Carse (*S.H.R.* xi. 233), as well as to mention the article in the *Times Literary Supplement* of 18 June, the series of special 'Saturday' papers in the *Glasgow Herald* during May and June, and the article by the Rev. Thomas Miller on the Site of the New Park in relation to the Battle (*S.H.R.* xii. 60). Professor Tout (*S.H.R.* xi. 93) reviewing Mr. Mackenzie may be regarded as accepting his main contention, and the same may be said of Dr. Morris who (1) by skilful analysis reduces the English army to 17,500, (2) shews the part that the Lord Ordainers had in Bruce's victory, (3) lays emphasisis on the 'mud' prominent in chronicle as a concomitant of the field of battle, and (4) accredits the issue to 'the clever handling of the whole army of foot and light horse by a great tactician.' Dr. Morris has by this excursion across the border earned hearty welcome here. His plates shewing the landscape are beautifully distinct and faithful.

A handbook for the sexcentenary is Mr. John E. Shearer's *The Site of the Battle of Bannockburn; the Reputed Sites and the Mythical Carse Site Renewed.* (Pp. 30, 8vo, with plans and illustrations. Stirling: R. S. Shearer & Son, 1914, 1s. net.) The title page is enough to reveal the fact that the author vehemently disagrees with Mr. Mackenzie.

Mr. Hugh E. Seebohm has performed a service to historians in publishing a series of unfinished essays by his father, the late Mr. Frederic Seebohm (*Customary Acres and their Historical Importance.* Pp. xiii, 274. With Maps and Diagrams. Demy 8vo. London: Longmans, Green & Co. 1914. 12s. 6d. net). These studies are valuable mainly in their bearing on early systems of land measurement and agriculture, and on the growth of the manorial system; and they form a sequel to the author's earlier and now classical works. Keen regrets will be felt that Mr. Frederic Seebohm did not live to formulate his own conclusions from the mass of evidence here embodied; for his theories have invariably proved stimulating in a high degree—not least to those who disagreed with them most completely. It is hardly too much to say that his epoch-making work on *The Early English Community* (which might be described, not without an element of truth, as 'completely right in its facts and completely wrong in its theories') was the cause of a complete restatement of the entire problem of manorial

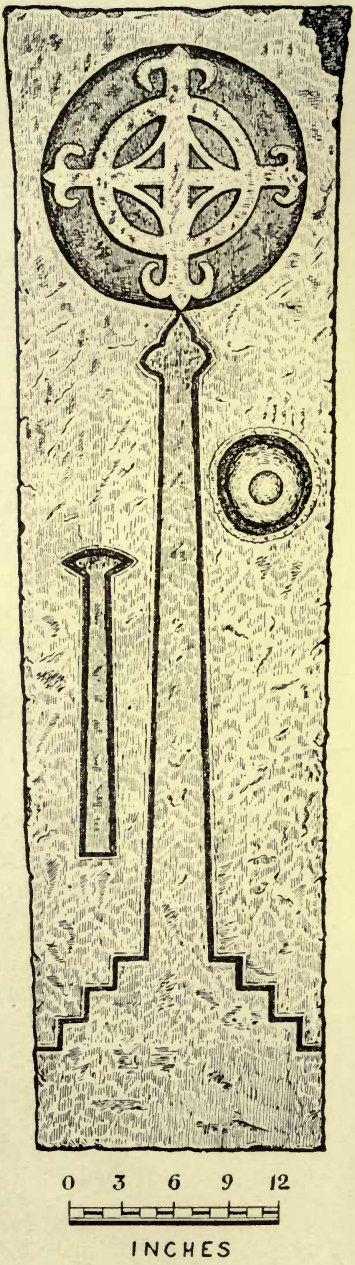
origins, and is responsible, through the opposition called forth by its carefully reasoned arguments, for the remarkable advance in the knowledge of institutional and economic origins that has been made in the last twenty years. Point and direction were given to the researches of Professor Maitland and Professor Vinogradoff by the bold challenge thrown out by Mr. Seebohm. These posthumous studies will be gratefully welcomed.

Commercial Politics (1837-1856), by R. H. Gretton (pp. viii, 119. Crown 8vo. London: G. Bell and Sons, 1914, 1s. net) adds to Bell's English History Source Books a most interesting representative collection of extracts from political literature and correspondence, covering among its themes Ireland, the Chartists, the Palmerston crisis, and the Crimea. On the last-named subject there is a telling exposure of defective transport and commissariat in the British contingent.

A Constitutional History of England, by George Guest (pp. xii, 240, with many illustrations. Crown 8vo. London: G. Bell & Sons, 1914, 1s 6d.) is a clearly written history for younger students with many well-chosen illustrations and portraits.

Ideas of Political Representation in Parliament, 1660-1832, by Philip Arnold Gibbons (pp. vi, 56. Crown 8vo. Oxford: B. H. Blackwell. 1914, 1s. 6d. net), being the Gladstone Essay, 1914, may be noted for its collocation of interpretations of the position of a member of parliament. Triton among the minnows is the Whig rendering, for which Burke made his famous stand, that the M.P. was not a mere mandatory or delegate, but a member for the nation. Mr. Gibbons appends a short list of authorities, which his promising and judicious essay shows to be well worth expansion by future studies.

In his *The Rise and Fall of the High Commission* (Pp. 380. Demy 8vo. Oxford: Clarendon Press. 1913. 15s. net) Professor Roland J. Usher has produced an original and truly admirable contribution to ecclesiastical and constitutional history. The skill with which he threads his way through delicate and tangled problems of development and unravels subtle changes and undercurrents of political thought and emphasis is worthy of high praise. The space at our disposal does not allow of a detailed estimate, and therefore we must content ourselves with an emphatic commendation. The only reservation (and even that is made with hesitation) is that Professor Usher to some extent holds a brief for the High Commission; but his treatment is always fair and large-minded, and he takes care to furnish the evidence on which each reader may found conclusions for himself. The present reviewer's strongest feeling on perusal of this treatise was that as the interest in this long-neglected subject was likely to be confined to a limited circle of readers, the author might not reap the reward to which his fine scholarship made so strong a claim. Professor Usher is not likely, however, to complain of the fortunes of war, and may take consolation, on the principle of averages, that since the volume under review appeared, his earlier work on *Pan-Germanism* has made his name familiar to readers throughout the civilised world.



GRAVE-SLAB AT KILBURN, YORKSHIRE

'✢ SIGILL' BERNARDI PVGILIS'

Mr. David Jayne Hill, formerly Ambassador at Berlin for the United States of America, deserves to be heartily congratulated on his *Diplomacy of the Age of Absolutism* (pp. xxvi, 706, with Maps and Tables. Med. 8vo. London: Longmans, Green & Co. 1914. 21s. net). This appears, after an interval of eight years, as a third volume of *A History of European Diplomacy*, the ambitious scheme of which is thus advanced substantially towards completion. The new volume, covering the crowded century and a quarter that separate the Peace of Westphalia from the year 1775, fully maintains the author's reputation for thoroughness, accuracy, and good judgment, and adheres strictly to the scheme originally outlined in the first volume, and favourably commented on in this *Review* in a notice of the second volume (*S.H.R.* v. 123, 4). As in former volumes, the apparatus is excellent, and consists of maps, tables, and a comprehensive index.

English History in Contemporary Poetry: No. V. *The Eighteenth Century*, by Miss C. L. Thomson (pp. 68. Demy 8vo. London: G. Bell & Sons, 1914, 1s. net), begins with Prior, goes on with Swift and Pope, and ends with Burns, illustrating, the while, the unstated proposition that contemporary political verse requires something little short of miracle to make it poetry. But the fact is that for even master poets, after they are a century dead, the historical aspect of their poetry has almost invariably become its chief interest. There are few pleasanter ways of studying history than in reviewing its literary reflection in such an anthological series as that of which the work under notice is the latest instalment.

Mr. William Brown, well known among antiquaries of North England as secretary of the Surtees Society, sends a reprint of an article on 'Trial by Combat,' contributed by him to the *Yorkshire Archaeological Journal*, vol. xxiii. It adds to the vouchers of the duel as a juristic institution the seal of one Bernard, a miller of Thirsk, Yorkshire, *circa* A.D. 1190, inscribed SIGILL' BERNARDI PVGILIS, and bearing as his cognizance a pick-headed baton and an oblong buckler, the ensigns of his business as a champion. Also there is given a sketch of an anonymous grave slab at Kilburn, near Thirsk, showing a similar baton on one side of a foliated cross and on the other a circular buckler. Besides, Mr. Brown prints the contract, dated 1293, by which Roger de Meauton was engaged as champion for the Chapter of Southwell, in Yorkshire. This valuable little essay contains good matter for details of the duel in law. We are enabled by favour of Mr. Brown and his editor to reproduce the pictures of the seal and the grave slab.

The Study of Modern History in Great Britain, from the Proceedings of the British Academy, by Professor C. H. Firth (pp. 11, 8vo. Oxford University Press, 6d. net), reviews the position of the history schools, and suggests an improved organisation of archives, with amended plans of calendaring.

Africa in Transformation, by Rev. Norman Maclean (pp. xii, 263, with Illustrations and Plan. Demy 8vo. London: James Nisbet & Co., 5s. net), gives a most interesting descriptive and historical account of Africa as seen from the mission fields. The illustrations are numerous and good.

Mr. Geoffrey A. Dunlop has privately reprinted (from *Modern Philology*, July, 1914) a paper on 'The Sources of the Idyls of Jean Vauquelin de la Fresnaye' (fl. 1535-1607), in which, besides evidence of the debt of the whole period to Tasso, there are incidental indications of hitherto undiscovered further borrowings by Drummond. In that gorgeous epoch there was a sort of capital of translations with a currency, gradually getting debased, of poetical conceits.

In *Oxford Pamphlets*, 1914, the Oxford Press has issued, at the price of a penny to threepence each, a series of some twenty or more short papers on aspects of the war, including its political and social relations. The authors include Sir Walter Raleigh, Mr. H. A. L. Fisher, Mr. Gilbert Murray, Sir Valentine Chirol, Professor Egerton, and Mr. C. R. L. Fletcher. These papers are of unusual interest and value.

In his *Burgage Tenure in Mediaeval England*, Harvard Historical Studies, Vol. XX. (pp. ix, 234. Demy 8vo. Cambridge: Harvard University Press. London: Humphrey Milford. Oxford: University Press. 1914. 8s. 6d. net), Dr. Morley de Wolf Hemmeon has given us a business-like and useful little book on the feudal incidents, characteristics, and accompaniments of burgage tenure in England, and an appendix treating (by way of comparison) of urban tenure in Germany. This book, which forms a helpful complement to Mr. Ballard's recent work on *English Borough Charters*, is fortified by copious footnotes, which vouch for its accuracy and witness to the author's patient scholarship. He rightly, in spite of high authority, refuses to accept burgage tenure as a mere variety of socage: knowledge of the Scottish evidence would fortify him in this opinion. He seems, however, on less sure ground in refusing the description of 'escheat' to the return of a tenant's holding to his lord on conviction of felony; while he is unduly, indeed absurdly, contemptuous of some of the previous writers from whom he happens to differ, in particular of the late Miss Bateson, whose opinions he seems not to have fully understood. There is a good bibliography and index, and the volume does no discredit to the important series to which it belongs.

Mr. A. M. Mackintosh, continuing the work noticed in *S.H.R.* xi. 443, has issued *Farquharson Genealogies, No. II., Inverey Branch.* (Pp. vi, 91. Post 8vo. Nairn: George Bain, 1914, 7s.) Printing the Brouchdearg MS., Mr. Mackintosh adds extensive genealogical and topographical notes. The principal residence of Farquharson of Inverey was for a time Balmoral, and the frontispiece appropriately reproduces from an old print a view of the old castle which was demolished when Queen Victoria's Balmoral was built.

Berks, Bucks, and Oxon. Archaeological Journal (October) is concerned almost wholly with churches.

Chief contents of the *Old Lore Miscellany* of the Viking Society (October) are extracts from Tongue Presbytery Records (1744-1776), a Memorial on rents of Zetland in 1743, and the conclusion of Mr. W. Johnston's notes

on names and terms in use among the Orkney and Shetland folk. A point which emerges is the large strain of non-Norse people in both groups of islands.

The same society also publishes a further fasciculus (October) of *Caithness and Sutherland Records*, dating from 1422 till 1445. A royal charter to Neil Neleson in 1430 is for the capture of his brother Thomas, the King's rebel.

The Juridical Review for May contained a paper by Mr. W. Roughead on 'The Real Braxfield,' in which good use is made of a contemporary MS. Memoir defensive of that much abused judge. Mr. J. O. Taylor notes some seventeenth century trials for Duelling. In the September issue Sheriff Ferguson sketches the career of James Ferguson, the 'amiable and able' Lord Balfour, born 1700, died 1777. Mr. Roughead tells the story of the literary forgeries of 'Antique' Smith and of his conviction for them in 1893.

The Aberdeen Booklover (vol. i. No. 4. D. Wyllie & Son, Aberdeen) traces the story of its publishers' firm. A fine portrait of David Wyllie (1777-1844), who founded the business, is reproduced from an oil painting.

In the *American Historical Review* for July Mr. A. B. White traces from the early thirteenth century the process of royal remits to local bodies for enquiry, action or conference, from which the parliamentary representative system was in part derivative. The expedient had high possibilities, was favourable to concentration, and indubitably made for correct information and government. Mr. Arthur L. Cross convincingly arrays examples of the manifold illustrations of social and legal history to be found in English law reports, more especially in the records of the proceedings of courts of minor criminal jurisdiction. The justice of peace is clearly the great centre of light for information upon the ways that were dark of our predecessors of the seventeenth and eighteenth centuries. Indeed the volume of such information is surprising even to one familiar with it in Scotland where, although under different names than Quarter Sessions, corresponding sources of knowledge are fairly enough known and are still far from being exhaustively exploited for historical ends. Mr. E. R. Turner returns to his studies of the Cabinet in England with much new matter, showing how (as the way of things English has usually been) the Cabinet was intimately related to, and yet apart from, ordinary committees of the Privy Council. A collection of letters is printed showing the estimated value of slaves in the United States in 1815, resulting in averages of from about 200 to 300 dollars per head. In some cases a male slave would bring $550 and a female $400.

In the October number Dr. C. H. Haskins brings the archives both of England and France under heavy requisition for his valuable work of educing the governmental conditions of England and Normandy respectively under Henry II. in respect of matters such as the administration of justice, feudal practices, and ecclesiastical jurisdiction. Mr. C. M. Andrews discusses

the history of colonial commerce, and specially American shipping prior to the Declaration of Independence. Mr. E. B. Green dealing with the 'Anglican Outlook' on the colonies in the early eighteenth century exhibits the indecision of the English Church in its double policy of converting the heathen and winning back the dissenters, and its consequent ill-success.

The Caledonian (New York, October) naturally reflects the war; the words, deeds, and portraits of soldiers and sailors are prominent.

In the *Iowa Journal* (October) Mr. Jacob Van der Zee collects a mass of data of interest about the fur trading with the Indians in the Iowa country during the first quarter of the nineteenth century.

The historical *Bulletin* of Queen's University, Kingston, Canada (October), consists of *The Grange in Canada*, by H. Mitchell. The Grange, founded in 1867, was a somewhat abortive secret society of agriculturists, which has taken deeper root when transplanted to the United States than in Canada.

The *Revue Historique* (Sept.-Oct.), a little behind time because of its printers 'ayant été appelés sous les drapeaux,' devotes a preliminary article to a reply to the German appeal to the civilized world that Germany was the victim of a war imposed upon her by the jealousy of the Triple Entente. The editors of the *Revue* point out that all the known diplomatic texts—English, Russian, Belgian, and French—prove the German statement to be a monstrous perversion, and show that 'the war was wished by Germany, was prepared by her with a perseverance and an absence of scruple truly stupefying, and was declared by her at her own time: it is she who has impressed upon it that character of ferocity which astounds her friends and arouses the indignation of all the world.' In its section devoted to current chronicle a couple of pages are given to notices of several 'young historians who have already fallen for France.'

Articles in this number deal with artisan life in Hesiod's Greece (showing the increased specialization of occupations named by Hesiod as compared with Homer), describe recent publications on Byzantine history, and edit unpublished letters of Sismondi, among them one of some length and of great interest written to Sir James Mackintosh during the Hundred Days. It is dated 29th April, 1815, and endeavours to enlist the sympathies of Mackintosh, as a man of large influence in Great Britain, on the side of Napoleon, in view of the liberal constitutional pledges offered by him after his return from Elba. It maintains that the revolution made by the return was the work of the people and not of the army. Sismondi's wary utterance issued from Paris is obviously inspired by the hope of eliciting certain forces of political opinion in Britain favourable to peace, and bringing them to bear on the counsels of the allied princes then assembled at Vienna.

Communications and Notes

ARCHAIC ENGLISH IN THE TWELFTH CENTURY. In my 'Notes on the Ruthwell Cross' (*Pub. Mod. Lang. Assoc. of America*, vol. 17), published in 1901, I referred (pp. 385-7) to the glossator of the St. John in the Lindisfarne Gospels as exhibiting in the closing chapters an archaizing tendency, such as I believed might also be detected in the runic inscription on the Ruthwell Cross. In 'The Date of the Ruthwell and Bewcastle Crosses' (published in 1912), a couple of pages (30-32) were devoted to the question of late inscriptions containing early forms. At the close of a paper on 'Layamon's Knowledge of Runic Inscriptions' (*Scottish Hist. Rev.* xi. 375), I spoke of its being 'well known that old English works were still copied and studied in the twelfth century,' referring to Morsbach, *Mittelenglische Grammatik*, p. 11. Here I wish to present certain considerations touching both these points—the transcription of Old English documents as late as the twelfth century and beyond, and the tendency to archaize displayed in certain of these late documents; my references throughout being to Professor John Earle's *Hand-Book to the Land Charters, and other Saxon Documents*, published by the Clarendon Press in 1888.

Various Old English works were continued or copied in the twelfth century, such as the West Saxon Gospels (one a manuscript of the time of Stephen, and another *temp.* Henry II.), a charter of Henry II., 1155 (Earle, pp. 346-8), and the Anglo-Saxon Chronicle, the last entry in which bears date 1154. These works (cf. Paul, *Grundriss der Ger. Philologie*, 1893, 2. 614 ff.) begin to show a resemblance, in various degrees, to Middle English, but a large proportion of the forms are still distinctly recognizable as Old English.

Side by side with these, however, there were documents written in the twelfth, and apparently even as late as the fifteenth century, which retain with considerable exactness the Old English forms. Perhaps the most remarkable of these, if Earle is right in ascribing it to the fifteenth century, is a deed of William the Conqueror's, dated 1068, found in Liber Albus ii. of the Dean and Chapter of Wells (cf. Earle, pp. 430-4). Such a late copy, however, might owe its faithful rendering of the old text merely to extreme carefulness on the part of the scribe, without any real understanding by him of the early language. In a different class seem to be, if Earle is right, the manuscripts of the twelfth century or later which show a sustained effort on the part of the compiler to master the earlier English, and to adhere to its archaic forms, or even introduce forms which seem to him especially archaic, though they may, in fact, be without precedent. On this subject Earle says (pp. cvii-cix):

'The twelfth century offers some remarkable features. . . . Priority of attention to Latin, with a growing neglect of the mother tongue, was the prevailing tendency in the first half of the twelfth century ; but then came a reaction, perhaps only partial and local, of which our best specimens are in a book from Winchester. . . . Here we see that the studious reviser and compiler of the old native muniments has become awake to the significance and characterizing value of the ancient grammar, and he has become a student of Old English composition, which he pursues as diligently as ever he strove to compose sentences in Latin. Consequently we observe all the tokens of a Renaissance of the Mother tongue. . . . The study has manifestly engendered a real taste for the royal style of the old language and a sincere passion to master the charm of it. Moved though we sometimes are to smile at the imagined strength and learned security of this school, there is nevertheless an æsthetic grasp and a conscious magnificence about it which compels admiration. But this recondite scholarship brings with it the ability and the temptation of imposture. . . . The reader who has taken the trouble to acquire an exact grammatical knowledge of the old mother tongue, will find a curious interest in the genuine early forms that here and there peep out through the scholastic text, proving that the elaborator had really originals before him. The Dative case in -a, for example, æfter þære læna. . . . It must not be supposed that the proof of such a revival rests upon the sole evidence of a single book. The same influence is seen, at least so far as orthography is concerned, in a Harley Charter ; . . . for another example of the same school contributed by another manuscript, I would instance K 715, . . . from the manuscript Cotton Claudius A. III. In the next two groups, . . . the standard of the old language is kept up and bears marks of Renaissance ;—and this brings us to the end of the twelfth or the beginning of the thirteenth century.'

Again, Earle says of the same group of charters (p. 348) :

'It belongs to the latter end of the 12th century. Though varying much in quality, it may be characterized generally as exhibiting a scholastic attention to the ancient forms of the language. The study of old models is sometimes overdone ; there are features in the orthography that can only have been derived from examples older even than the originals themselves. Especially is this to be observed in the frequent substitution of *æ* for plain *e* ; as if the compilers were anxious to be as archaic as possible, and as if they had old Kentish specimens before them. The whole effect of this book is to impress us with the idea (which other writings support) of an Anglosaxon Renaissance at the close of the twelfth century.'

Of a still later set of charters he remarks (pp. 378-9) :

'The eighth group (which largely concerns Berkshire) is from the Chartularies of Abingdon, namely Cott. Claud. B. vi. of the latter part of the twelfth century, and Cott. Claud. C. ix. of the thirteenth. Still some feeble tokens of that scholarly taste which we noticed in the sixth group. Such form at this date affects us somewhat as when we first learn that the staircase to the Hall in Christ Church is a work of the seventeenth century.'

One of these charters, of the sixth group, purporting to date from about

856-8 (Earle, pp. 349-350), has been thus characterized by Kemble, *Saxons in England*, 2. 487: 'It bears marks of forgery in every line, and seems to have been made up out of some history of Æthelwulf's sojourn at Rome.'[1] In another charter, purporting to be of Æthelstan (934), the Latin, 'Ego Æðelstanus, rex et rector totius huius Britanniæ insulæ' (Earle, pp. 355-8), is translated, 'Ic Æþelstan, Ongol-Saxna cyning, and brytænwalda eallæs þyses iglandæs,' the last four words of which are characterized by Green (*Conquest of England*, quoted by Earle, p. 360) as 'an instance of the literary archaism and affectation of time.' Note also the ending *-æs* for *-es*, and compare *-æ* in the following sentence (Earle, p. 367; charter purporting to date from before 991): 'Ic gean Ælfþ[r]æðe minæs hlauordæs medder wuduhamæs æfter minum dæge, and æfter hiræ dege gange hit into Sc̃a Marian stowæ.'

The whole subject is in need of further investigation. Perhaps some reader will take it up, and determine the precise extent and character of this archaizing movement.

Yale University. ALBERT S. COOK.

SIR WALTER SCOTT AND GOLF. The history of the Scottish game which has conquered the world is obscure; the origin of some of the terms used is already lost, and references in literature cannot be called common. I am not aware that any one has collected the references to golf in the works of the greatest man of letters that Scotland produced, Walter Scott. They include one baffling account which to the modern golfer is unintelligible.

Scott shares with Shakespeare a rare eminence in the appreciation of field sports. Shakespeare knew the points of a dog, and was accomplished in the details of hunting the deer and coursing the hare. Dr. Madden has explained this with spirit and admirable humour in *The Diary of Master William Silence*. Scott no less was, on the authority of his little son, the first to see the hare sitting. In these two master minds one finds an unequalled breadth of knowledge concerning alike the cheerful, open-air life of the country, and the learning which makes the sedentary man.

We might expect, then, that Scott, in spite of his lameness, would be familiar with the game of golf and those details of it which are obscure to the outsider. The game, as played some hundred years since, was not a thing to be taken lightly. Its spirit is recalled by the later story of the Greek professor, struggling on the links, who was told that it was all very well to teach Greek, but it took a head to play golf.

In accordance with this principle Scott's golfers are people of worth and standing, not the young men who win championships nowadays, and are called veterans when they are in their forties. Thus, when in *The Heart of Midlothian* the sitting magistrate of the day, one of the bailies of Edinburgh, was about to begin the examination of Butler after the Porteous riot, we read: 'Mr. Middleburgh had taken his seat, and was debating in

[1] Birch (*Carb. Sax.* 2. 96) prints it as genuine, but Stevenson (*Asser's Life of King Alfred*, p. 146) calls it spurious.

an animated manner, with one of his colleagues, the doubtful chances of a game of golf which they had played the day before.'

Again in *Redgauntlet* it is the elder Fairford, a severe man of the law, who plays golf, not his flighty son Alan or his wild companion, Darsie Latimer. The letters of which this delightful romance is largely composed include this report of the elder Fairford's conversation, sent by his son to Darsie Latimer (Letter XIII.): 'All that is managed for you like a tee'd ball (my father sometimes draws his similes from his own favourite game of golf).'

Later (Chapter I., narrative), when the crazy Peter Peebles was to be lured away from the Court so that Alan might plead his case, and not be pestered by his ridiculous behaviour, the elder Fairford says to his son: 'Alan, my darling, hae patience; I'll get him off on the instant like a gowff ba'.'

Letter III. from Darsie Latimer to Alan describes ground which would evidently be suitable for golf, though the word implying this is regarded by the Englishman as unfamiliar: Darsie has 'a pleasant walk over sandy knolls, covered with short herbage, which you call links, and we English, Downs.'

Letter X., from the same hand, has a pleasing description of a 'bunker.' Darsie hears music, but cannot see the performers: 'At length I came within sight of them, three in number, where they sat cosily niched, into what you might call a *bunker*, a little sandpit, dry and snug, and surrounded by its banks, and a screen of whins in full bloom.' The use of italics shows that the word is regarded as unfamiliar. Letter XI. from Darsie refers to the same spot as a 'sand-bunker upon the links.' The words 'surrounded by its banks' give a correct clue to the derivation of 'bunker.'

The elder Fairford was notoriously modelled on Scott's own father; but that fact affords no proof that he played golf. A gentleman like Scott never took an entire character over into his fiction. That proceeding is neither good art nor good manners, and we hardly need Lockhart's warning in the *Life* that all the details of the character did not belong to the original.

So far the references to the game are easily understood, but now I come to a later one, which is most puzzling. *The Surgeon's Daughter* includes some elaborate matter entitled 'Prefatory,' in which Mr. Croftangry, the supposed author of the book, consults his man of business, Mr. Fairscribe, as to the chances of its success. The latter is described as preparing for the interview in the following terms:

'He had been taking a turn at golf.... And wherefore not? since the game, with its variety of odds, lengths, bunkers, tee'd balls, and so on, may be no inadequate representation of the hazards attending literary pursuits. In particular, those formidable buffets, which make one ball spin through the air like a rifle-shot, and strike another down into the very earth it is placed upon, by the maladroitness or the malicious purpose of the player—what are they but parallels to the favourable or depreciating notices of the reviewers, who play at golf with the publications of the season, even as

Altisidora, in her approach to the gates of the infernal regions, saw the devils playing at racket with the new books of Cervantes' days?'

In this passage notice the description of the ball banged down into the very earth by 'the maladroitness or the malicious purpose of the player.' Malice in the ordinary sense of the word is aimed at somebody else, and the comparison with reviewers seems to make this sense clear. But a golfer who plays with his own ball cannot do anybody else any harm by 'foozling' a shot, since he himself has to get it out of its awkward position. There is no suggestion in the passage of a foursome, and, even if there was, it would be odd to conceive of a man deliberately putting his ball into a position difficult for his partner to retrieve, since he would handicap their joint chances of success. The reference to reviewers makes it certain that the golfer in this case is treating his ball in a manner which will handicap somebody else. As golf is played this is an impossible situation.

What is the explanation then of this strange reference? *The Surgeon's Daughter* was written in 1827, when the crash of Scott's fortunes was still recent, and when his powers were waning. The other works quoted belong to the full tide of his genius; here he may have slipped in a detail which escaped a disordered mind.

It is possible also, and seems likely, that Scott never had more than a nodding acquaintance with golf. Busy with his dogs and his forays on the Border for ballads, he may have seen one ball hit off from the tee and another buried in the ground, and little more. He may have thought of the game as played with a single ball by one man who hit it forward and another who hit it back. He was not keen on games; he thought chess a waste of time which might be spent on more serious matters. A friend, who is a first-rate golfer as well as a first-rate scholar, sends me the following comment:

'Perhaps Scott may have argued thus: There is much digging in golf: digging produces graves; why should golfers dig graves unless they intend to bury golf-balls? *Ergo*, the interment of balls is malicious, and must obviously be part of the game. This explanation would convince any German professor, but you will tell me the sheriff wasn't such a fool.'

Yet Dickens was just the same sort of fool when he described a cricket match in *Pickwick*. Ordinarily a great observer, he had not taken the trouble to grasp the rules of cricket.

On the whole, I am inclined to believe that Scott never mastered the principles of golf, just as he never mastered Latin properly, leaving 'howlers' such as any schoolboy can correct—*e.g.* a hexameter with seven feet—in his text. He is with Shakespeare in this respect. Both had so extraordinary a range of knowledge that they could not be expert in every corner of it. Both show in their writings that appreciation of everyday life, of common men and things, which, tempered with humour and philosophy, is one of the high signs of genius.

VERNON RENDALL.

CONCERNING MARIE STUART. I am not aware of the following letter having been published. It shows something of the *entourage* of the Captive Queen; the feelings of Elizabeth, and her

control over her servants. But it is very unlike Elizabeth's usual style of addressing her servants.

CHARLOTTE CARMICHAEL STOPES.

Dublin Trinity College, MS: E., I. 10 (802).

Coppie of a letter sente from Queene Elizabeth to Sir Amyas Paulette, Guardian of the Scottishe Queene, whoe was prisoner in Fotheringay Castle.

AMIAS,

My most carefull and faithfull servante, God reward thee treblefold in ye double for thye most troublesome charge soe well discharged. If you knewe (my Amias) howe kindlie besides duetifullie my gratefull hearte acceptes yor double labors and faithfull accons, yor wise orders and safe regardes perfourmed in soe dangerous & craftie a charge, it woulde ease yor travaile, and reioce yor hearte, in which I charge you carrie this most iust thought that I cannot ballance in anie weight of my iudgement, the valewe that I prise you at, and suppose noe treasure to countervaile such faithe, and shall condempne myself in that faulte which I never yet committed, if I reward not such desertes as yors let mee lacke when I have most neede, if I acknowledge not such a merritte with a reward (non omnibus datum).

But let your wicked murtheress knowe howe that with heartie sorrowe her vile desertes compelled these orders, and bid her from mee aske God forgiveness for her treacherous dealings towards the saver of her life manie yeares to the intollerable perill of our owne. And yet not content with soe many forgivenesses must fall againe soe horriblie farre surpassing a woman's thought, much lesse a Princesse. Insteade of excusing whereof, none can serve it, being soe plainlie confessed to be the author of my guiltlesse death. Let repentance take place, and let not the feinde possesse her soe as her better parte be lost, which I praye with handes lifted up to him that may both save and spill. With my most loveinge ade in and prayer for thy long life, yor most assured and loveing Soueraigne in hearte by good desertes and meedes.

ELIZABETH.

1664: OVERTOUR FOR SETLING YE HIGHLANDS. Seing all the principall theevs & recetters in the Highlands of Scotland does ather actuallie duell or constantly haunts & ar harboured in Glencoa, Ranoch, Brae lochaber, Glengarie & Lochaber & adjacent Glens, uher all depredations ar caried to & ther disposed of & all Murtherers & persons guiltie of attrocious Cryms ar sheltered securly w^{t} ther relations which plaices ar very remoatt from The head brughs of the shyres to which they belong.

1^{t} Therfor y^{t} a Garison consisting of tuo hundred men at least be plaiced at Jnnerlochay uher it shall be undertaiken by laying out 60 lib. ster: they may be conveniently lodged, & shall be easily provyded of all provisions at y^{e} Cuntree vaitts.

2^{d} The sojours would consist of highland men ay^{r} to be levied or put in plaice of such as are most of their bussines being to goe out on pairties & to

travell in the night for aprehending of theevs & recetters through deserts & Muntans & crossing rivers which ar utterly unknouen & rocks Inpracticable for such forces as ar now a foot.

3d That ye governor be a person of respect & Estait & Creditt so as his reputation will oblidge him to tack no base means to connive or transact wt any offendors But that his deutie to his Matie & his Cuntrie will oblidge him to mack it his uork to Crush the thift & oppression uhich if authorised he may doe in a short tym If he but will understand uher the Intric of it lyes.

4d Seing The reverence that is dew & reallie given to ye law is knouen to begett mor obedience then the force of such a number of men is able to doe Its overturd That the Governor be apoynted to be a Justice of Peace in the severall shyrs the forsds bounds belongs to, & lykwayes that the shyriffs of these shyrs viz. Pearth Argyll & Innernes be appoynted to give the Governor a Deputan from them uherby their power he may act legallie wt out Incroaching on yr priviledges but rayr comptible to ym for his respective decreets, so that he being armed wt these Legall pouesr togayr wt his Comission its not to be in the least doubted but will ever keep the Highlands from thifts & depridations, nor is ther any plaice in the Highlands that can so pirvaine any open rebellion uold be ther attempted lying equall be sea & land for all places & most of them in less then a nights merch or sailling to him.

5. That seing The Governours trouble & Chairges will be considerable for Intelligence & oyr Incident expenses, Its overturd that he have duble Capts pay The Companies to be only comanded by Livetennents under him. And Thus The King is at no more Chairge yn presently The Cuntree will not be oppresst ut projects and the Highlands made peacable.

6. The Lau & Acts of Parlt ar still to be in force in order to Cheefs & Landlords, & this person alloued to persew them be lau upon all occasions.

7. That the Governor be by his Comission appoynted to mack severall circuitts to keep Courts which will contribut much uhen they see law brought to ther dors wt a force able to put it in execution, I mean shyriff Courts) & if a greater latitude be alloued its best.

8. That The Governor be appoynted to gett lists of all the Theevs & broaken men in the Highlands which he may easily gett & That his Maties Advocatt sumone them all to find Cation which many will doe Especiallie If it be thought fitt to Indemnifie them for bypast transgressions (except Murder) such as will not compear to be denounced fugitivs & a Comission to the forsd Governor to aprehend or destroy ym which he may doe if they keep Scotland.

9. That the severall shyriffs be appoynted (togayr ut the Magistrats of Brughs) to receave his prisoners & grant him receatts for them.

10. That ye forsd Governor shall by himself & give up the nams of such as he knowes to be cited to give in evidences agt such prissoners to be tryed befor the Justices & ther deputts.

The above is copied from the original (in the handwriting of the first Marquess) in the charter chest of the Marquess of Tweeddale. From

1662 to 1674 John Hay, second Earl, afterwards first Marquess, of Tweeddale occupied a very prominent place in Scottish politics, when he was distinguished for the moderation of his views. This paper is undated, but was found with papers dated about 1668, and there is little doubt that it must have been written just before an Act of Privy Council (of which Tweeddale was President) dated 22nd Dec., 1664, dealing with disorders in the Highlands.

C. Cleland Harvey.

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Dugald Dalgetty :
and Scottish Soldiers of Fortune

WHEN Sir Walter Scott began to write the *Legend of Montrose*, his intention was to weave the plot of his novel round the romantic and terrible story of the death of John, Lord Kilpont, at the hands of his friend, James Stewart of Ardvoirlich. Fate, however, was lying in wait for him in the person of Rittmaster Dugald Dalgetty of Drumthwacket, and, as is often the case, the minor character attracted to himself the real interest of the author, and became in a true sense the hero of the story. Hence the romance in its final form is dominated by the personality of a Scottish soldier of fortune of the seventeenth century—a fact for which the writer has been condemned. Quite unjustly ; for the valiant soldado is one of Scott's most happy creations, and even those who grew weary of Dugald's interminable prose must rejoice in the delightful character it reveals. He is such a strange mixture of shrewdness and idealism, of practicality and pedantry, of aggression and caution, of cosmopolitan experience and simple Scottish prejudice, that he provokes our disgust, excites our amusement, and finally earns our respect.

At first we are repelled by his brutality and by the coarse selfishness so strongly denounced by Menteith in the novel. But on consideration we tend to agree with Montrose that 'the dog has good qualities.' He has seen many wars and followed many masters, but he counts none equal to 'the Lion of the North and bulwark of the Protestant Faith,' and as he is quick to point out,

it was only after the death of Gustavus that he left the Swedish host. The ready victory which attended the king's arms, and the consequent booty were, he admits, the principal attractions of the service ; but the 'Protestant Faith' counted for something too, for Dugald quitted the slack and congenial Spanish service on a point of conscience. His conscience, it is true, was a unique machine ; 'I hold it,' he explains, 'to be the duty of the chaplain of the regiment to settle these matters for me . . . inasmuch as he does nothing else that I know of for his pay and allowances,' and he hints that if he had been 'proffered any consideration either in perquisite or pay,' in respect of his damaged conscience, he might have continued to follow the banners of Spain. None the less the root cause of his dissatisfaction was that he was expected to go with his regiment to the mass, and this, as an alumnus of the Mareschal College of Aberdeen, he considered an 'act of blinded papistry,' 'which I was altogether unwilling to homologate by my presence.' Throughout all the vicissitudes of his career, too, he preserved a strict though curious code of honour, the main article of which was steadfast obedience to the hand which paid him. Against the rock of this conviction all Argyll's bribes availed nothing ; and even after the day of Philiphaugh, the captain obstinately refused, at the imminent peril of his life, to enter the service of the Covenanters until his engagement to King Charles was completed. Happily the remaining period was only a fortnight, and when this had elapsed, the stout cavalier became a staunch supporter of the Covenant—nay more, by a marriage with the aged relict of a Mearns Presbyterian, he achieved the supreme end of all his military endeavours—the possession of the barren but ancestral moor of Drumthwacket.

In every aspect of Dugald's conduct appear these quaint contradictions. In action he is bold, resourceful, and above all practical, but in speech he is an incurable bore, whose military skill is veiled in a thick mist of pedantry. When he congratulates Montrose on his victory at Tippermuir, he adds a few words of advice ; while he appreciates the valour of the MacGregors' midnight 'camisade' against the castle of Ardenvohr, he sticks firmly to his view that the correct method of attack would have rested on a skilful use of 'the hillock called Drumsnab' ; even when he is losing consciousness, as the result of a severe wound, his last incoherent murmurings are charged with tedious and unattended counsels. For his horse, while he is living, the captain will risk

his head and even postpone his dinner; but after the faithful animal is dead he proposes to utilise the hide 'to form into a cassock and trousers after the Tartar fashion, to be worn under my armour, in respect my nether garments are at present shamefully the worse for wear.' So are sentiment and practicality blended in the person of Dugald Dalgetty, and the question presents itself: 'Is this character drawn from life, or is he the creation of a romantic fancy?'

The valiant mercenary is such a real figure that it is hard to conceive of him as pure fiction, and as a matter of fact Scott himself tells us that the portrait was sketched from two very famous models—Sir James Turner, who, besides his memoirs, has left us a learned work on the art of war, *Pallas Armata*, and Col. Robert Monro, the title of whose book is too long for repetition.[1] The contents, however, are worth noting; they comprise an account of the author's adventures in the Thirty Years' War, certain pious moralisings thereupon, and a few practical hints upon infantry drill and tactics. Even to the most casual observer it is patent that Scott borrowed extensively from the sources he mentions; not only are many of the incidents related by Dalgetty taken wholesale from the books in question, but the captain himself is a reflection—a rather distorted reflection—of the character which shines through the pages of Monro.

Long before Dugald was created, Turner had examined and rejected the 'method of embattling by the square-root,' and Monro had written his panegyric upon 'the Lyon of the North, the invincible King of Sweden of never-dying memory.' The stories which the captain tells, of the valour of the Irishes,[2] of a long period of sentry-go,[3] of a curious example of the second sight,[4]

[1] Monro, 'His expedition with the Worthy Scots Regiment (called MacKeye's Regiment) levied in August, 1626, by Sir Donald Mac-key, Lord Rhees, Colonell for his Majesties service of Denmark, and reduced after the Battaile of Nerling, to one company in September, 1634, at Wormes in the Paltz,' etc. [London, 1637.]

[2] Monro, ii. 34.

[3] Monro, i. 45, tells us that he stood fully armed in the heat till he was weary of his life, 'which afterwards made me the more strict in punishing those under my command.'

Turner, *Pallas Armata*, 219, considers the kind of punishment prejudicial to the service, and Scott had not, perhaps, read his words, for he makes Dugald boast of his ability to hear best with his eyes closed—'A fashion I learned when I stood sentinel.'

[4] Monro, i. 76.

Monro was wounded at Stralsund, and when his lieutenant-colonel visited him in a state of depression, cheered him up with the story of how Murdo Macleod of

are all culled from the pages of *The Late Expedition*. Dugald, then, is sprung of good parents, and if heredity counts for anything should be true to type, despite the romantic environment of an author's brain. He makes, therefore, an excellent starting point for the examination of a most interesting personality, the Scottish soldier of fortune.

Some allowance, of course, must be made for convention, and certain of the Captain's characteristics may be dismissed as personal idiosyncrasies invented by Scott. The average mercenary was much less comic than Dugald; he did not habitually say 'whilk,' and his appetite was not a matter of such prime importance. Turner, it is true, devotes part of a chapter [book iii. ch. viii.] to a discussion of Proviant and Proviant masters, and Monro in one place (ii. 47) launches into a disquisition upon beers, but both fell far behind Dalgetty in the theory and practice of bodily sustenance. One explanation alone suggests itself—Turner was educated at Glasgow, Monro[1] at St. Andrews, but Dugald's method of dealing with his 'provant' was acquired, as he tells himself, 'at the bursars' table at the Mareschal College of Aberdeen, where, if you did not move your jaws as fast as a pair of castanets, you were very unlikely to get anything to put between them.'[2] This is a triviality, and in any case a composite figure like Dugald cannot present accurately the character of any single one of the soldiers of fortune who abounded in the seventeenth century; none the less, a minute examination will reveal the essential accuracy of Scott's

Assynt predicted the death of Allen Tough, a Lochaber man, and several others, and the wounding of Monro himself. This narrative the wounded hero told 'to make my lieutenant-colonel laugh,' although the prediction had come true in the interim. Another amusing story which Monro told his superior officer on this occasion was that of the Emperor Augustus, who, 'being neere death, commanded that after his decease, all his friends should clap their hands and laugh unfainedly, as the custome was when a comedy was well acted.'

Many other instances could be collected; it is worth noting the very slight alterations made by Scott in the names. *Donald* Tough and Murdoch *Mackenzie* are the names used by Dalgetty.

[1] *Vide* Monro, *Exped.* ii. p. 75. The names of Robert Monro and John Hepburn occur on the matriculation roll of Leonard's College in the University of St. Andrews in 1610 and 1612 respectively. The information on p. 6 of Grant's *Memoirs and Adventures of Sir John Hepburn* is incorrect.

[2] There is a possible explanation of Scott's picture of Dalgetty in the remark made by James VI. to Sir Andrew Gray, a stout old warrior who invariably wore buff and armour in times of peace, and who added to his long sword and formidable dagger a pair of iron pistols. On one occasion 'the king told him merrilie,' he was now so fortified, that if he were but well victualled he would be impregnable. Grant, *Memoirs and Adventures of Sir John Hepburn*, p. 22.

picture, and it is worth while to try to discover the causes which produced this odd type of soldier, with his peculiar code of honour, his peculiar religion, and, above all, his peculiar pedantry.

In order to solve our problem it is necessary to trace the development of the art of war up to the period of the great Gustavus; by so doing we shall not only gain a vivid idea of the meaning of Dalgetty's profession, but we shall find the reason for that pedantry which seems to be the hall mark of the seventeenth-century soldier, and unites in a common bond men of widely varying characters.

The sharp contrast between exact theory and empiric practice, which found itself in so many medieval institutions, was nowhere more marked than in military affairs. Theoretically the empire still remained, but the imperial forces were no longer the ordered legions of triumphant Rome. The emperor could reckon only on the levies, feudal or mercenary, with which his own lands and revenues supplied him, and each national monarch maintained his army by the same methods. In some cases, notably in England, the system was early given a definite form, but the feudal host, even when supplemented by a general levy, was not an efficient fighting machine. Every citizen was a soldier in a sense, but there was a great difference between the amateur peasant and the professional man-at-arms, and the Middle Ages had no very clear conception either of a citizen-soldier or a national army. In short, what really mattered was the feudal cavalry, whose sheer weight bore down the ill-armed infantry of the day, and the great problem which confronted a force deficient in heavy-armed knights was how to stop the overwhelming charge of the opposing horsemen.

Necessity, the great creator, found a way—two ways in fact. The genius of the English discovered that the most splendid of cavalry could be stopped by a line of archers stiffened with dismounted men-at-arms, but, despite the great success of this system, it was never generally adopted, and the formation which won favour on the Continent was that first brought to a definite form by the Swiss, who arranged their infantry in deep masses, and armed them with 18-foot pikes. From such a hedge the boldest horse and the hardest rider must perforce recoil. The French were the main employers of the Swiss mercenaries, and racial antipathy, together with the inevitable jealousy between mountaineers and men of the plain, resulted in the growth of the famous 'Lanzknecht' regiments, whose connection with the imperial service is so well known. The tactics of these men were of the simplest, and their organisation almost non-existent;

the number of men in a company, or companies in a regiment, varied much; the under-officers were elected by the rank and file, and it was the men who tried their comrades' offences. Discipline and drill cannot have been very perfect, and yet the Swiss and the Lanzknechts remained the real military forces of Europe until the victories of Bicocca and Pavia marked the rise of a successful rival—the famous Spanish infantry. The essential merit of this new military system, however, lay in its skilful combination of the pike with the new missile weapon, the arquebus, which, however clumsy, produced a terrible effect upon the thick masses of the Swiss. Even when a series of inventions[1] had produced the musket, however, the fire-arm remained an unhandy weapon,[2] and this fact accounts for a peculiar development in the Spanish drill. The problem was to maintain a continuous fire, and the Marquis Pescara found the solution by teaching his men to fire by successive ranks. That is to say, each rank after it had discharged its volley, doubled round to the rear of the body and reloaded; meanwhile the next rank went through the same operation, until gradually the first rank regained the front. The disadvantages of the system are apparent, but it suffices to note that it involved the retention of deep formations, since the business of reloading was very slow. Still, with all its faults, Pescara's system held the field until the skilful brain of Maurice of Nassau invented a system more exact though still cumbrous, and the Dutch drill became the model for all the world to copy.

During the sixteenth century, then, Europe was dominated by a military system of incredible slowness. The evolutions of great bodies of infantry were necessarily ponderous, and in the meantime cavalry tactics had utterly degenerated. The hopelessness of breaking a battalion of pikes had led to the complete abandonment of shock-action, and a cavalry attack had become a feeble copy of Pescara's infantry drill, in which ineffective pistols were fired by the successive ranks of a long column. In fact the tactics of the day revolved in a vicious circle. The massive stolidity of the foot made a cavalry charge well-nigh impossible, and the slowness of the cavalry alone permitted of the solemn evolutions of the infantry. It is part of Gustavus' claim to fame that he was the

[1] Fortescue, *Hist. Brit. Army*, i. pp. 100, 101.

[2] Grant, *Memoirs and Adventures of Sir John Hepburn*, App. iii., gives an example of some early fire-orders. Thirty-three words of command were required to fire a single shot and make due preparation for the second—this as late as 1627.

author of several notable improvements on the established practice of war; these must now be considered, since their successful application was due in no small measure to the efforts of Scottish cavaliers of fortune. It was Sir Alexander Hamilton of Redhouse, whose sound ideas on the subject of artillery induced Gustavus to adopt wider views with regard to this arm. Turner[1] has a sneer for 'Deare Sandie,' and it is true that the light leather guns he invented, 'Sandie's stoups,' were not strong enough to fire more than a dozen shots, but none the less Hamilton was one of the first men to have a true conception of the use of artillery, and it was his factory at Örebro which produced field-pieces light enough to be distributed regimentally, and capable of being loaded and discharged as quickly as musket.[2] In his use of cavalry Gustavus made no great advance, and to credit him with the rediscovery of shock-action would scarcely be correct; the very fact that he always interspersed 'platoons' of musketeers among his horsemen shows that he did not rely upon the speed and weight of his charge. Still, here too he made improvements by reducing the endless columns of the Reiters to three or four lines, and by teaching his men to ride in and use the sword as well as the pistol. In his dragoon regiments, too, he developed a useful 'M.I.'[3]

It is upon his dealings with infantry that much of Gustavus' reputation rests; yet here too his reforms are to a large extent only modifications of the existing system. He reduced the length of the unwieldy pike from eighteen feet to eleven, and made his battalions much more flexible by limiting their ranks to six. In place of making the musketeers advance rank by rank, he introduced a plan by which each individual man moved forward past the man immediately in front of him,[4] thus avoiding the wholesale movements to the rear, which had been the bane of the Spanish system. He even invented a new formation, the brigade, and Mr. Fortescue (p. 182) credits him with an accurate organisation by which eight companies of 126 men made a regiment, and two regiments a brigade. Here the historian assigns to Gustavus a too great accuracy. It can be proved that a brigade did not necessarily include two regiments; sometimes it includes as many

[1] Turner's *Memoirs*, p. 23.

[2] Cf. Monro, *Exped.* ii. p. 1; Fortescue, *Hist. Brit. Army*, i. 184; Fischer, *Scots in Germany*, p. 109. [See *Pallas Armata*, p. 228, for place of field pieces in marshalling a brigade.]

[3] Mounted Infantry.

[4] Monro, *Exped.* p. 185.

as four,[1] and while there is evidence to show that it consisted of twelve companies, it is astonishing to notice that these lesser units disappeared entirely when incorporated in the brigade. Each company consisted of 72 musketeers and 54 pikemen, and in forming the brigade was at once resolved into its component elements. The pikes were massed in three squadrons of 216 men each, but the musketeers fought in multiples, not of 72, but of 48, so that the integrity of the individual company was completely sacrificed.

A modern tactician would not approve of breaking up his companies in order to draw up his battalion for action, but Gustavus' method had its advantages. The essential feature of the brigade was that the central body of pikes was pushed out in front of the two wings, thus leaving two 'sally ports,' as Turner calls them; many of the musketeers were used to flank the pikes, but there was always a considerable surplus, and through the two sally ports there passed an endless stream of musketeers, whose fire produced a terrible effect on the thick masses of the opposing infantry as it advanced to the attack.

Such a system demanded a good drill, and Gustavus' discipline was excellent; clumsy as his methods appear, they were far in advance of those of his rivals, and his superiority did not confine itself to mere drill. The Lion of the North was the first to leave a sufficient space between his two lines of battle, and the first consistently to employ a reserve; he understood the value of entrenchments, and, greatest of all, he perceived the advantage of rapidity. It is astonishing to note how much of Germany was covered during the two years of Gustavus' campaigns. Such, then, were the

[1] The composition of a brigade is mysterious. Monro, *Exped.* ii. 183, tells us it consists of 12 companies, and a company was 126 men (*Pallas Armata* makes it only about 100, p. 217). Consequently a brigade could only be about 1500 men. *Pallas Armata* notes that many of the Swedish brigades were no less than 1800 strong, p. 228. According to Mr. Fortescue, a brigade could muster 16 companies of 126 men, making a total of 2016 men, and Lord Reay, about 1632, gave to the 'Swedish Intelligencer' a scheme which showed how 2016 men made a brigade of 12 companies. This would make a company consist of 168 men, and there is no evidence that this was so, though it is curious that 168 men, if pikes and muskets were in the proportion of 3 to 4, would make 96 the unit of musketeers, a figure which agrees well with the platoon of 48. At first there were four regiments in the Green Brigade (Monro, ii. 25), but later it appears to consist of two only, Monro's and Spens' (Monro, ii. 108, 125, 159, 171), and on pp. 113-4 (Monro, ii.) we find two other Scotch regiments referred to as a brigade. Seeing that, at a later date, there was no fixed number of companies in a regiment (*Pallas Armata*, 222), it seems idle to insist too strongly on any definite formula for a brigade, and indeed its strength was not fixed at all (*Pallas Armata*, 230).

conditions under which Dugald Dalgetty learned his profession. But what was Dugald doing in Germany?

> 'It was a' to seek his fortune in the High Germanie,
> To fecht the foreign loons in their ain countrie.'

A poor land, whose resources were all too slender even for her scanty population, Scotland was the natural mother of the soldier of fortune. 'Much can be done with £300, especially if one goes among the English,' says a modern authority; the younger son of an old Scots family did not necessarily inherit even £300 (Scots), but he had a fair supply of bone and muscle, a passable education, a useful if not a brilliant sword, and 'a guid conceit o' himsel'.' Armed with these assets he set forth to carve his fortune, not only among the English, but in any country where he could follow his trade of war.

By virtue of the 'Auld Alliance' France had received the main stream of these adventurers, and the history of the Garde Ecossaise is both long and honourable. Various causes, however, among which the Reformation is the outstanding, tended to direct the current to other quarters. Scotsmen fought against the Spaniards in the Low Countries, and the outbreak of the 'Thirty Years' War' provided a still larger field for the warlike activities of our race. The Protestants were the chief gainers, and when Christian IV. made his luckless gamble on German soil, a part—and perhaps the most efficient part—of his army was formed by a regiment raised by Sir Donald Mackay, afterwards Lord Reay. Meanwhile a firm connection had been established between Scotland and the Baltic, where Sweden, engaged in her desperate struggle for expansion, found it impossible to supply from her own children the necessary armies, and the two streams met when Gustavus Adolphus, urged by national ambition and Protestant faith, led his hosts forward to play their distinguished part in the 'Thirty Years' War.'

It was in the Swedish army that the true Dugald Dalgetty was made. Monro himself is an excellent type, and a study of his history will introduce us not only to the first parents of a distinguished regiment, but also to many of the colonel's brothers-in-arms, whose feats are much more celebrated than his own. Monro served his military apprenticeship in France, and having obtained a captaincy in Mackay's regiment (August, 1626) took part in some desperate fighting in the campaign of Holstein. The regiment covered itself with glory, and casualties were many,

with the result that Monro became a Major before the year was out. One episode will paint the scene for us. During Christian's retreat the regiment had held with great daring the Pass of Oldenburg, and gained as its reward the privilege of being marched off first.[1] They reached the coast in safety, but whilst they were waiting for shipping, the pier was occupied by undisciplined horsemen,[2] 'who ever begin confusion,' and so, says Monro, 'I asking my colonells leave drew our whole colours in front and our pikes charged after them, our musketiers drawne up in our reare by divisions, fortifying our reare in case the enemy should assault us in our Reare, and then . . . we cleered the peere of the horsemen.' So the regiment came off, bringing many of its sick and wounded with it, and the rest of the mercenaries made a base surrender, and for the most part took service with Tilly. The whole proceeding seems cold-blooded enough, but on the other hand it must be remembered that the Scots had borne the brunt of the action, whereas the Germans[3] had demanded pay before going on service, and that, after all, their escape was due to the discipline which they alone preserved.

It was in the service of Christian that Major Monro went with his men to the defence of Stralsund, but before that siege was ended he had found another master, and Germanic Protestantism a new defender in the person of Gustavus Adolphus. Wallenstein had sworn to take Stralsund,[4] 'though it were hanging in iron chains betwixt the earth and the heavens,' but he was balked of his purpose, and the honours of the defence are with Alexander Leslie, later Earl of Leven. Monro meanwhile had become Lieutenant-Colonel, and as Lord Reay had returned to Scotland, he seems to have virtually commanded the regiment, though it was not till August, 1632,[5] that he gained the full rank of Colonel. Along with three other Scots regiments his men were formed by Gustavus into the Green Brigade, and put under the command of Sir John Hepburn,[6] a distingushed soldier who had been Monro's

[1] Monro, *Exped.* i. p. 19. [2] *Ibid.* p. 27. [3] *Ibid.* p. 24.
[4] *Ibid.* p. 67. [5] *Ibid.* ii. p. 146.

[6] See Grant, *Memoirs of Sir John Hepburn.* The name James Ramsay occurs on the roll of Incorporations in the College of St. Leonards at St. Andrews in 1601, and again in 1602, and a James Ramsay graduated in 1605. Whether either of these entries refers to the hero of Hanau is uncertain ; many representatives of the Ramsay family were students at St. Andrews, and as Sir James appears to have been born in 1589, he would begin his university course (if he had one) about 1601 or 1602. Certainly he was a man of culture.

fellow-student at St. Andrews. This corps remained with the King from the moment of its formation (at Schwedt on the Oder) until just before the battle at Lützen, when, after having been sadly mauled at Nürnberg it was detached along with other troops to observe Bavaria. Although we read of many other Scots regiments, and although the composition of the Green Brigade varies a good deal, Monro always considers it as pre-eminently the Scots Brigade. Latterly it appears to have consisted only of Mackay's and Spens' regiments, and after the fiery Hepburn had quarrelled with Gustavus and departed to take service with France, it seems to have been commanded by Monro himself. After Gustavus' death Monro remained for a while in Germany, but his shattered regiment, even when strengthened by the remains of his dead brother's command, was so weak that he returned to Scotland to recruit. Hence he was not present at the disastrous battle of Nördlingen, where the Protestant cause was lost in South Germany, and where his regiment was reduced from about 1800 men to the strength of one company. This poor remnant was incorporated with the survivors of the other Scottish regiments, and after fighting under Bernhard of Saxe-Weimar, passed with the rest of that leader's army into the service of France, where the Scots, under the valiant Hepburn, gained fresh honours, and disputed, though without justice, the precedence of the regiment of Picardy. The seniority it failed to establish in France, it gained in Great Britain, however, for from the old 'Regiment d'Hebron' is sprung the gallant 'Lothian Regiment,' better known as the Royal Scots.[1]

[1] Fortescue, *Hist. Brit. Army*, i. p. 190; Mackay, *An Old Scots Brigade*, pp. 193, 195. In connection with the descent of the Royal Scots from the 'Regiment d'Hebron' occurs the interesting question as to whether this regiment has preserved the 'Old Scots March' which was so famous in Germany that on one occasion the Germans played it to frighten their foes (Monro, ii. 113). Fischer states that the Old Scots March 'was composed in 1527 for the Old Guard of King James V' (*Scots in Germany*, p. 80 n.), but Sheriff Ferguson has produced evidence to show that an old Scottish march was known in France long before this period, and that the air of this march is practically that of 'Hey, Tuttie, Taittie,' the traditional march of Bannockburn (*Scotsman*, July 14, 1913). It is certain that each nationality had its own peculiar air, and that the old military marches were generally slow. One gets the impression too that they were primarily drum marches. The Royal Scots at the present day march past to 'Dumbarton's Drums,' a tune which takes its name from George, Earl of Dumbarton, who was Colonel from 1653 to 1688. It is certain that the regiment played 'The Old Scots March' as late as 1679, but it is not clear whether there is any relation between the Scots March and Dumbarton's Drums. The matter is to be

It would be a long task to enumerate the Scottish officers whose fortunes were founded on their services in the Thirty Years' War. The Leslies, Alexander and David, are, perhaps, the best known; but tribute must be paid to Sir James Ramsay,[1] because his valiant deeds, especially in the defence of Hanau, and his tragic fate captivated the mind of literary Germany, so that he survives as the hero of many a romantic tale. Not all Scots, however, were as devoted as Monro and Ramsay. Sir Patrick Ruthven[2] was a very capable officer, but he appears to have been somewhat of a self-seeker, and his love of the bottle led to his nickname of Rotwein. Coarse and ungrammatical though he was, he was efficient, and so too was General King,[3] whose endless complaints and demands show him to have been both assertive and rapacious.

There is evidence to show that the Scots were sometimes cruel officers,[4] who beat the young levies almost to death, and it is certain that many of them were bent on making their fortunes at all costs, but none the less it is with pride that Scotsmen think of a period when names like Spens, M'Dougall, and Forbes,[5] were great in Germany, and when the pipe and probably the kilt[6] too had carried the fame of the nation to the heart of Europe.

When we cease to regard individual cases, and to look for the main characteristics of the Scottish mercenary, we shall find that, in nearly every case, he may be credited with courage and pride. The storming of Frankfurt[7] and the capture of Würzburg[8] are testimonies to the valour of the Scots, and it is with truth, as well as with a bitter pride, that Monro tells us that the Scots were given the place of danger 'according to custome.'[9] The worthy

discussed in the forthcoming *Royal Scots Regimental History*, and as an MS. score dating from the seventeenth century has now been found, the question should at last be capable of settlement.

[1] For a brief account of this 'Son of Mars and the Muses,' as Grotius called him, see Fischer, *The Scots in Germany*, p. 93, and *The Scots in Sweden*, p. 115, and Lord Hailes' *Life*.

[2] Fischer, *The Scots in Germany*, p. 107, and *The Scots in Sweden*, p. 102, and *Ruthven Correspondence* in Roxburghe Club's publications.

[3] For King, see Fischer, *Scots in Germany*, p. 99; and *Scots in Sweden*, p. 93 and pp. 111-116.

[4] Fischer, *Scots in Sweden*, p. 107. [5] See Fischer's *Works*, *passim*.

[6] An interesting print, showing a dress very like the kilt, is published by Mackay in *An Old Scots Brigade*. Turner mentions the pipe, but prefers the Almain whistle (*Pall. Arm.* 219).

[7] Monro, *Exped.* ii. p. 33. [8] *Ibid.* ii. p. 79. [9] *Ibid.* ii. p. 120.

colonel is far from being blate, and indeed one of his remarks is typical of his profession. The resplendent Saxons, he tells us, looked with scorn upon the tattered army which followed Gustavus, 'how-beit we thought not the worse of ourselves,'[1] and he points his moral with the account of the battle of Leipzig, where 'it was the Scots Briggad's fortune to have gotten the praise for the foot-service;[2] and not without cause.' This complacent attitude reveals itself in another characteristic to which allusion has already been made. If we may judge by Monro and Turner, the Dugald of the flesh was almost as great a pedant as the Dugald of the novel. The pages of *The Late Expedition* abound in classical allusions and citations, and the author of *Pallas Armata* thought it necessary to examine at great length the military discipline of the Grecians and the Romans as a kind of 'Einleitung' to a discourse on the 'Modern Art of War.' One is tempted to explain this phenomenon by the fact that in those days Germany was the great school of the science, but the real cause is rather different. The practical necessities of war had led to a development of deep formations precisely at the time of the Renaissance, when men's minds were definitely turned upon the models of classical antiquity. Machiavelli was swift to notice the resemblance between the Swiss battalion and the Macedonian phalanx,[3] and the practical soldier began to study the theory of his art in the old text-books. Aelian's *Book on Tactics* was dedicated to the Emperor Hadrian, and Vegetius' treatise, *De Re Militari*, to the Emperor Valentinian III.;[4] neither, therefore, could be regarded as a modern book even in the sixteenth century, and yet both were read with avidity.[5]

No military education was complete unless it included a knowledge of the evolutions of the phalanx, with its sixteen ranks and its three types of counter-march.[6] Nor could the student consider

[1] Monro, *Exped.* ii. p. 62. [2] *Ibid.* ii. pp. 66-7.

[3] Fortescue, *Hist. Brit. Army*, i. 106.

[4] See Bury's *Gibbon*, vol. iii. p. 187 note. Vegetius cannot have written later than 450 A.D.

[5] Especially Aelian. Captain John Bingham translated the *Tactica* in 1616. Vegetius has found many detractors (Dillon's *Translation of the Tactica*, p. 208). Turner, however, defends him (*Pallas Armata*, p. 39). Both books will be found in several editions in most libraries which lay any claim to antiquity. A discussion of the classicism in military affairs is found in Fortescue, *Hist. Brit. Army*, i. pp. 166-7.

[6] *Pallas Armata*, pp. 10, 11. Monro, *Exped.* ii. pp. 188-9.

himself well equipped until he had mastered Vegetius' precepts on the 'castrametation of a consular army'[1] and similar topics. In an age when the gentleman's son usually went up to the university in his early teens, a classical education was not inconsistent with the profession of arms; and Monro and Turner, practical soldiers both, are evidence that even the hard experience of war was powerless to break the authority of tradition. The former, for example, while he condemns the counter-march, describes it fully, and suggests in its stead the adoption of a wheel, a difficult evolution already described by Aelian under the title 'perispasmus.[2] Turner, too, gives full details of a drill he denounces as useless, and does not even reject the principle of 'embattling by the square root' without a long enquiry and a few extra arithmetical refinements of his own invention.[3] All this seems vain enough, but it is to be remembered that, when in 1814 Viscount Dillon translated the *Tactica*, he did so expressly for the benefit of the young officer, and indeed as long as fighting was conducted in close order and at short ranges a complicated drill was almost sure to result.[4]

Scott then was quite correct when he made Dugald a university man and a bit of a pedant, for the mercenary of the seventeenth century was a highly theoretical soldier who took a real pride in his profession. In the case of Monro this pride revealed itself not only in a didactic manner, but in a very pleasant generosity towards his brothers in arms. He is not only delighted at the professional successes gained by his fellow Protestants, but he expects his opponents to make a creditable exhibition. He is ashamed[6] of his enemy on one occasion, and he is loud in the praise, not only of Scots[6] who fought upon the other side, but of Pappenheim[7] himself. Even to the ruthless Tilly he pays a magnificent compliment,[8] 'and my wish were,' he says, 'that I might prove as valiant in advancing Christ's kingdom, though I should die in the quarrel, as he was forward in hindering of it; my death then

[1] *Pallas Armata*, p. 121. [2] Dillon's *Translation of the Tactica*, p. 122.

[3] *Pallas Armata*, p. 266.

[4] When fighting is at close range, tactics to a certain extent take the place of strategy; that is to say, a general may rely upon deceiving his enemy by the nature of his formations more than by use of rapid marches, land features, and so on. Some of the similarities between the classical and medieval systems may have been the result of common experience rather than of imitation.

[5] Monro, *Exped.* ii. pp. 14, 19, 20, and 40.

[6] *Ibid.* i. pp. 11, 14, and ii. p. 145. [7] *Ibid.* ii. p. 137. [8] *Ibid.* ii. p. 118.

should not be bitter to my friends, I leaving an immortal name behinde me.' This religion of Monro's is no mere verbiage ; it entered into all his soldiering. He had no doubt that he was fighting in the cause of God, and that those who laid down their lives for the sake of Protestantism would 'ride triumphing' with the saints in glory. It is true that he was a mercenary, and that he passed unconcernedly from the service of Denmark to that of Gustavus, but he remained true to the faith that was bred in him, and his beliefs were not a matter for the chaplain of the regiment. In his pedantry and his Scottish prejudice he resembles Dalgetty, otherwise he is cast in a far finer mould.[1] Was the novelist then in error, when he made the ties of religion lie so lightly on the soldier of fortune ? Assuredly not, for, apart from the fact that many of Monro's contemporaries fell far short of him in virtue, the Thirty Years' War became steadily less moral. Dugald, whilst he lost his Scottish prejudices, lost also his fervent religion, and Sir James Turner puts the matter plainly when he tells us that he 'had swallowed without chewing, in Germanie, a very dangerous maxime, which militarie men there too much follow ; which was, that so we serve our master honnestlie, it is no matter what master we serve.'[2] None the less the earlier type seems to have survived in a few instances, and a conspicuous example is found in Major-General Mackay,[3] who is best known as the commander routed at Killiecrankie. He has, however, other claims to remembrance, for his character reveals many of the traits of the old-fashioned soldier of fortune. In him are united both the pedantry which applied to a Highland war the strategy of the Low Countries, and the practicality which discarded the clumsy plug-bayonet.[4] He has lost his national prejudice, it is true, for he tells us that he preferred 'the English commonality . . . in matter of courage to the Scots,'[5] and that he looked on his compatriots 'as void of zeal for their religion and natural affection' ;[6] but he himself keeps a

[1] Monro's conduct in Ireland seems to cast doubts on his merit as a soldier, but Turner's account is perhaps scarcely just to him ; and the troops he had were bad as a rule. On the whole, his own writing seems to reveal a character such as is described above.

[2] Sir James Turner's *Memoirs*, p. 14.

[3] Mackay's *Memoirs* (Bannatyne Club, 1883) are the best source of information.

[4] Fortescue, *Hist. Brit. Army*, vol. i. p. 343. [5] Mackay's *Memoirs*, p. 59.

[6] *Ibid.* p. 77. Still there is evidence that then Monro was to some extent denationalised. He at one time wanted to command strangers rather than Scots (Monro, *Exped.* ii. p. 146), and Turner did not approve of the bag-pipe (*Pallas Armata*, p. 219).

firm hold upon his faith—'the piousest man I ever knew,' says Bishop Burnet. At the close of his book upon the rules of war is found a section urging the propriety of prayer before the commencement of an action, and the form of supplication he suggests[1] lacks neither strength nor beauty. His deep religion revealed itself not only in prayer but in a high conception of duty, and the man's death is very typical. He had told Count Solmes that the assault on Steinkirk could, under the circumstances, result only in a waste of life, but the sulky general replied with the order to advance. 'God's will be done,' said Mackay,[2] and he was among the first to fall upon that red day when Dutch strategy was vanquished and British valour gained an immortal crown. He, however, was something of a rarity; with him old Dugald Dalgetty was fallen, and the highly professional, and rather non-moral Sergeant Scales arose in his stead. The wars were no longer wars of religion; they had become wars for territory and trade.

Much has been said of the Scottish officer abroad; what of the rank and file? It is hard to say exactly how many Scots served in the army of Gustavus, because in regiments professedly Scottish were found representatives of many other nationalities. Fischer supposes[3] that the greatest number fighting at the same time under the Swedish banner would be between six and eight thousand. These figures, of course, represent but a small proportion of the total number of men who actually left Scotland—a number hard to guess,[4] for each successive levy was speedily visited by death in every form. Battle, fever, massacre, shipwreck and exposure soon thinned the ranks, and there was always room for the new blood provided by the great recruiting sergeant Ambition, and by his humbler assistants Press-gang and Gaol-delivery.[5]

The road of empire, it is said, is white with dead men's bones, and to the countless adventurers who died unknown in Germany is due the tribute of an honourable memory. For empire, rightly

[1] Mackay's *Memoirs*, Intro. p. xvii.

[2] Fortescue, *Hist. Brit. Army*, i. p. 366.

[3] Fischer, *Scots in Sweden*, p. 91. Mackay, in *An Old Scots Brigade*, p. 125, mentions 13,000 British soldiers, of whom most were Scots. The authority he quotes mentions only 10,000 in all, p. 193. He speaks of 13 regiments of Scots; but there is no proof given that all served at the same time.

[4] Lord Reay himself sent upwards of 10,000 men. Mackay, *An Old Scots Brigade*, p. 200.

[5] Mackay, *An Old Scots Brigade*, p. 5; Fischer, *The Scots in Sweden*, p. 77.

understood, is a thing of the spirit, and the tradition of Great Britain owes no small debt to these old mercenaries. They were greedy and pedantic, but they were also brave and efficient, and in their own way honourable too. And this is, after all, the view which was taken by Sir Walter Scott when he drew his immortal picture of Captain Dugald Dalgetty.

J. D. Mackie.

The Royal Commission on the Ancient and Historical Monuments and Constructions of Scotland

IT was a matter of congratulation that his late Majesty, King Edward, appointed Sir Herbert Eustace Maxwell, Baronet, President of the Society of Antiquaries of Scotland, together with 'several other persons therein mentioned[1] to be Commissioners to make an Inventory of the Ancient and Historical Monuments and Constructions connected with or illustrative of the contemporary culture, civilization and conditions of life of the people in Scotland from the earliest times to the year 1707.'

The Commission was appointed on the 7th February, 1908, and all its members were selected for their special knowledge of one or more of the departments into which Scottish antiquarian remains fall to be classified. We cannot, however, forbear to notice Sir Herbert Maxwell's pre-eminent fitness to be chairman of the Commissioners; indeed, few among Scottish antiquaries can lay claim to be so conversant as he with the multifarious objects and problems which come up for discussion at their meetings. His works on the topography and place-names of Galloway, the early Chronicles relating to Scotland, the history of Dumfriesshire and Galloway, together with numerous contributions on antiquarian topics to societies, are widely known and show that the range of his researches embraces even the most obscure phases of Scottish archaeology. It may not, however, be as widely known that, for many years, in his capacity as Secretary to the Ayrshire and Galloway Archaeological

[1] The other members of the Commission are: The Honourable Lord Guthrie, Professor Baldwin Brown, Professor T. H. Bryce, M.D., F.R.S.E., Francis Christian Buchanan, Esq., W. T. Oldrieve, Esq., Thomas Ross, Esq., and A. O. Curle, Esq., W.S., Secretary. In August, 1913, Mr. Curle resigned the office of secretary, on his appointment as Director of the National Museum of Antiquities, and was appointed an additional Commissioner. Mr. William Mackay Mackenzie was then appointed secretary to the Commissioners.

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DUNDRENNAN ABBEY: SOUTH TRANSEPT

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Association, he devoted much of his time and energy to practical archaeology, which he rigorously prosecuted with pen, pencil and spade. With the Dowalton crannogs on his own property, and being an eye-witness of the operations which brought them to light, he has ever since taken an active interest in that class of remains. Moreover, he was in those days a keen collector of relics, and amassed a large and valuable collection which, a few years ago, he presented to the National Museum of Antiquities in Edinburgh. (See *Proceedings of the Society of Antiquaries of Scotland*, vol. xxiii. p. 142 and p. 200.)

Mr. Curle, who, as secretary, became chiefly responsible for the necessary field work, entered on a congenial task, being an ardent antiquary from his youth. The result of his labours, as shown in the compilation of the five Reports and Inventories issued during the time he was secretary to the Commission, amply justifies the opinion, then entertained by his friends with regard to his appointment, that he was the right man in the right place.

At the outset, perhaps, the most intricate problem the Commissioners had to solve was the precise *modus operandi* by which the special inquiry entrusted to them could be most efficiently carried out. The archaeological materials, which from time to time had to come under their purview, were scattered over that considerable portion of Britain now known as Scotland, but which formerly was divided into a few provinces, mostly inhabited by different races; and their chronological range extended so far back into the dim vista of prehistoric times that the civilizations, which obtained at the distal and proximal ends of that long period, differed as much from each other as a primitive dug-out differs from a modern man-of-war. The Stone-Age man worked with a kit of tools improvised out of stone, bone or horn; so that his handicraft products have but a faint resemblance to those manufactured in later ages, when these primitive tools and weapons had been superseded by cutting implements made of metals. Thus, the relics and structural monuments of the Neolithic Age are so different, in material, technique and execution, from those, say of medieval times, that it is rare to find among archaeologists one who has made a special study of the contemporary antiquities of these two stages in Scottish civilization. Moreover, inhabited sites, with remains characteristic of these stages, may often require different authorities to decipher the full meaning of their contents. For example, the contents of an ordinary sepulchral mound, containing a human skeleton,

pottery, implements and ornaments, have to be submitted to special experts in order to ascertain their precise archaeological value in illustrating contemporary social life and industries.

Then, again, the field of operations may be said to be literally strewn with the more or less fragmentary relics of the arts, industries and customs of the different races who formerly inhabited the country, often without any stratigraphical indications of their age. Some date back to a time when the fashion which called for their construction may have become obsolete; or their special function may have been forgotten, owing to subsequent improvements and innovations arising out of the demands of a progressive civilization. Others, especially architectural remains, come down to the various stages of the historic period—in which case their age may be more precisely determined by references made to them in the early chronicles and historical annals. But, notwithstanding all the information hitherto derived from these contemporary sidelights, the *raison d'être* of many of them still remains doubtful. An earthwork may have been constructed for a defensive, sepulchral or domestic purpose; and, without a thorough excavation, there may be no means of ascertaining what was the primary object for which it was reared. A single standing stone may be commemorative of some great social, but forgotten, event in the drama of life; or it may simply mark the line of a former land boundary or a burial site; or it may be the solitary survival of some megalithic monument, which has disappeared by the hands of man in comparatively modern times, such as a stone circle, chambered cairn, dolmen or alignment. Archaic rock sculptures in the form of cups, cup-and-ring, spirals, and even those very remarkable mystic symbols on the early Christian stone monuments, still remain enigmas to Scottish archaeologists. In such circumstances all that can be done is to put on record, by a correct description, and if possible by a drawing or photograph, what now remains of the original monument.

To make a bare inventory of the antiquarian structural monuments still extant within the Scottish area, together with a brief notice of their present condition, would be a simple matter; but, on the other hand, an exhaustive discussion on their meaning and precise function in the shifting organizations of the periods to which they belong, would be a *tour de force* beyond the power of any single person however great his archaeological qualifications may be. Indeed, no department of knowledge requires more assistance from the collateral sciences than archaeology, if

its discoveries are made to give up all the latent information they contain. So much is this the case that experts in Geology, Botany, Palaeontology, Chemistry, History, Art and Domestic Economy, may be regarded as a standing Board of Advisers to whom an appeal may be made as occasion demands their services.

In these circumstances it is evident that in compiling an inventory of existing antiquities within the Scottish area, which would be readily available as a work of reference as well as a guide to future investigators, a medium course between brevity and discursiveness was the best to pursue ; and, as a rule, this is the method adopted by the Commissioners in the compilation of the Inventories, with the result that we have a *catalogue raisonné* on an enlarged scale. Each entry is consecutively numbered and contains a brief description of the monument or object to be recorded,—the following points, when applicable, being a *sine quâ non*, viz. its characteristic features, topographical site, the numbered sheet of O.S.M. on which it is noted, and the date on which it was visited.

The present geographical divisions of Scotland into counties and parishes form the leading headings under which the various materials are described, although there may be little or no correspondence between present-day land divisions and the original areas of distribution of their respective antiquities. In collecting facts, locating inhabited sites, visiting stone monuments in out-of-the-way districts, a peripatetic archaeologist will, no doubt, find his labours much simplified by consulting the clergy of the parish as well as local antiquaries, who may be highly interested and well informed in the archaeology and folklore of their own neighbourhood. In grouping the materials under the headings of the respective parishes the Commissioners have adopted, on the whole, the most practicable plan, besides having two excellent precedents in the Old and New Statistical Accounts of Scotland.

In arranging the heterogeneous materials found within the limits of the different parishes on archaeological principles, the following appropriate nomenclature has been adopted and uniformly adhered to throughout the various reports :

1. Ecclesiastical Structures.
2. Castellated and Domestic Structures.
3. Defensive Constructions.
4. Sepulchral Constructions.
5. Rock Sculptures.
6. Sites.
7. Miscellaneous.

The monuments which come under these very comprehensive headings have, in most instances, to be subdivided under subsidiary titles, such as Motes, Cairns, Stone Circles, Standing Stones, Forts, Crannogs, etc., and even many of these have to be further differentiated into various types. But, beyond facilitating the description of the monument under consideration, there is no special significance attached to these classifications because of the inherent difficulty of determining the precise character of some of the structural remains, owing to their fragmentary condition. Under the title Miscellaneous many of these undetermined structures fall to be described side by side with some unique object, isolated hoard, or some stray flint implements. The system, however, works well, and this is the main point.

The Inventory being the *pièce de résistance* of each report and a repertory for future investigators, it was essential to have each entry numbered consecutively so as to be easily referred to. This can be most readily effected by quoting the county and the inventory number. If, however, the various inventories are not placed under the heading of their respective counties, some confusion will inevitably arise as the work progresses. For example, the fourth and fifth reports are issued under the heading 'Inventory of Monuments and Constructions in Galloway, Vol. I. Wigtown, Vol. II. Stewartry of Kirkcudbright.' Why the Commissioners have departed from the method adopted in the other three reports is not apparent. Had the usual course been followed, the intercalation of Vols. I. and II. would have been unnecessary. Is this innovation to become a precedent for the rest of the work? If so, Inventories may be put under such headings as Strathclyde, Lothian, Caledonia, or any other ill-defined antiquated province, with the result that when the entire work comes to be arranged in consecutive volumes matters will be somewhat complicated. At present it would appear that each of the larger counties will require a volume to itself, but for uniformity of size two or more of the smaller counties, when adjacent to each other, as Forfar and Kincardine, or Nairn, Elgin and Banff, might be included in one volume. Although these are trivial details, and scarcely worth mentioning, they ought if possible to be avoided; and now that the Commission has got into thorough working order we hope that in future the Inventories will appear under the names of the counties in which their contents have been found.

The Inventory of each county is preceded by a general

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KIRKCONNEL TOWER : COURT-YARD FROM NORTH

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introduction, occupying some 30 or 40 pages, in which the antiquarian materials are briefly summarized from the stand-points of history, ethnology, topography and archaeology, being thus, to a considerable extent, supplementary to the former. Any inferential or speculative deductions, arising out of the distribution of the antiquities, or from other causes, are judiciously confined to this section of the work, as they are more suggestive than dogmatic. For it is only after the completion of the entire survey for Scotland that such archaeological areas can be defined with any degree of accuracy, as one fresh discovery might give the *coup de grace* to the most specious theory on the subject. There are several lines on which the existence of archaeological areas may be determined, and, as a *post factum* study, it would be extremely interesting to know how far the results, culled from the Inventories, correspond geographically with the traditional and protohistoric land divisions of Scotland. A careful analysis of place-names would, approximately, disclose the districts occupied by pre-Ayrians, Gaels, Brythons, Romans, Norse, Anglo-Saxons and Normans, all of whom inhabited more or less of the Scottish area. The distribution of the different types of sepulchral monuments—chambered-cairns, short-cists, burials after inhumation and cremation—would indicate certain districts in which one or other of these burial customs predominated; and possibly reveal the route by which the early immigrants entered Britain. But besides archaeological areas determined by constructive and industrial remains, historical notices of the people and notable events, there are other problems of a more or less speculative character which occasionally find a place in the introductions, as, for example, the influence of the topographical features of a district in accounting for the resemblances and differences of certain monuments found in particular localities, as exemplified in the geographical distribution of vitrified forts, hill-forts, brochs, stone circles, etc. Although the smaller antiquities—implements, weapons and ornaments—found sporadically over the country, do not come under the jurisdiction of the Commissioners, it appears, as a matter of fact, that these finds are noticed and put on record. Some of these objects are already known to be restricted to limited localities. Two well-known typical examples of which are the ornamented stone balls and the so-called polished stone knives of Shetland.

While the writer was just finishing this paper a revised issue of the Inventory of the Monuments and Constructions in the

County of Berwick came to hand. The previous edition, being the first of the series of Inventories issued by the Commissioners, is but a pamphlet of 58 pages, without any illustrations of the monuments it records. Though arranged on precisely similar lines to those of the subsequently issued reports, this brochure was manifestly too brief and altogether incommensurate with the masterly Inventories of the other four counties which appeared a few years later. Under these circumstances the Commissioners considered it desirable to reissue the Berwick Inventory, so as to bring it into harmony with the later Inventories. The new edition, besides being uniform with these in its *format*, bears unmistakable evidence of having been prepared with the same archaeological skill and literary ability—so that the foregoing general remarks are equally applicable to it.

In addition to the Inventory and introduction already noticed, there is in each volume a detailed list of the ancient and historical monuments and constructions which the Commissioners deem most worthy of preservation, together with tabulated statements analyzing the distribution and characteristic features of forts, cairns, brochs, ecclesiastical sites, etc., so far as such monuments are to be found within the respective counties. It also contains a copious bibliography, a list of parishes, and a large map of the county indicating the position of the various antiquarian monuments by numbers corresponding to those in the Inventory. The volumes are well illustrated with plans and woodcuts in the text, many of the latter being from the *Proceedings* of the Society of Antiquaries. There are besides a number of excellent photographs of objects which could be readily brought under the camera, such as primitive stone monuments, ecclesiastical buildings, ornamental tombstones, medieval castles, etc. These are interspersed throughout the letterpress as double-page illustrations. The general public are thus in possession of five handsome volumes in octavo, being the Inventories of Monuments and Constructions in the Counties of Berwick (1909-15), Sutherland (1911), Caithness (1911), Wigtown (1912), and Kirkcudbright (1914). They are issued in paper covers, and each contains a capital index and from 228 to 347 pages of text in a moderately sized type.

The information gathered from these various sources is of inestimable value to the general reader, as it enables him to get, as it were, a bird's-eye view of what the Inventory contains, what are the predominating antiquities in each county, and how they are locally distributed. The principles of comparative archaeology are

kept well to the fore in these preliminary sketches, and, being clearly and attractively written, they tend to encourage the reader to prosecute any subject for which he has a particular penchant.

These general observations justify the conclusion that, if the survey of the rest of the counties of Scotland is brought to a finish under the highly competent management disclosed by the contents of the five Inventories now issued, the result will be a work of lasting importance and a landmark in the history of Scottish archaeology. It will serve as a fresh starting-point and a model for future researches to clear up some of the obscurities which still hang over our national antiquities. Among the large membership of societies founded for the study of archaeology there are few persons who derive financial benefit from any private investigations they may execute, for archaeology is proverbially an expensive hobby. But there is a craving in the human mind to know something more than the trained professional knowledge requisite for the support of mere animal life which often successfully shapes the footsteps of one, with higher aspirations of this kind, to the goal of his ambition. For it is a remarkable fact that many who, at the outset of their career, had the hardest struggle on this point, have ultimately done good work in one or other of the physical sciences, which lend themselves to the prosecution of out-door researches, such as botany, zoology, geology, and archaeology. But of all the fascinating pursuits open to persons who have attained some leisure, after the struggle for existence has become less exacting, archaeology is the most attractive, because its subject-matter is so saturated with human interest that it appeals to the sentiments of all cultured people to whatever station in life they may belong. Proficiency in archaeology is, however, like all trades, crafts, and professions, only to be attained by systematic training and a long tutelage in field operations; but, unfortunately, its interests, not being essential for the commercial prosperity of the nation, there is hardly any provision made by the State for communicating even an elementary knowledge of its principles. We therefore look upon the work of the Commissioners as a valuable object-lesson in showing how the practical department of the science should be conducted. If one trained expert can do so much in locating, excavating, tabulating, and describing such a mass of heterogeneous materials as the present Director of the National Museum has done during the five years he was secretary to the Commission, why should he not with a competent staff of assistants superintend

and control all practical researches in Scotland? For the future, it is on spade-work we have chiefly to rely for any considerable increase to the antiquities already preserved in our museums. But the spade can be used for destructive purposes as well as for unearthing antiquarian treasure. Excavations conducted by unskilled persons, however well-meaning their intentions may be, will generally do more harm than good by destroying or overlooking important relics, simply because they are ignorant of the kind of objects to be looked for. This kind of research is little better than what a farmer does when he removes the stones of a cairn, fort, or circle, to build his dykes with, but allows the associated relics to be dispersed.

All such indiscriminate excavations ought to be forbidden by law.

For these and other reasons we hail the splendid achievements of the Royal Commission on the Ancient and Historical Monuments and Constructions in Scotland as partly supplying the deficiency in our educational system as regards the teaching of archaeology. Copies of these Inventories should be in all our local libraries and museums so as to be available for consultation at any time, as well as in the hands of antiquaries, county gentlemen, and others, who may have an opportunity of controlling local discoveries.

While heartily congratulating the Commissioners on the quality and general excellence of the work already accomplished, under their auspices, in this truly national and patriotic undertaking, there is just one other remark we venture to make, more by way of inquiry than suggestion, viz. to accelerate, if possible, their operations, so as to have the Inventories of all the counties of Scotland completed within a much shorter period than at the rate of one county Inventory a year.

ROBERT MUNRO.

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COCKBURNSPATH CHURCH: TOWER

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Parliamentary Representation in Scotland

IV. COUNCILS AND CONVENTIONS.[1]

FOR the very earliest meetings of the Great Council of the Kings of Scots of which we have any knowledge there is no contemporary descriptive expression. In the first volume of the *Acts of the Parliaments of Scotland* they are cautiously described as 'Assemblies,' a non-committal term adopted by a careful editor. The earliest use of the word 'Concilium' belongs to the year 1144, and is quoted from the Register of the Augustinian Priory of St. Andrews ('in Concilio Regis Prelatorum optimatum et fidelium suorum,' *A.P.* vol. xii. supp. p. 2). A meeting in Perth in 1167 is called 'Curia Regis' in the original document in the chapter house at Durham (*A.P.* i. p. 386), and 'plena curia' is used in the Register of the Augustinian Priory of St. Andrews to describe a meeting of the reign of Alexander II. (*A.P.* xii. p. 2). The word 'Concilium' appears in 1257 on the authority of a document quoted from Rymer (*A.P.* i. p. 637) and in 1266 on the authority of the title of a document in the Register of Kelso Abbey (*A.P.* xii. p. 3). Fordun stands sponsor for 'General Councils' in 1209 and in 1211, and for a 'Parliament'[2] in 1215. But otherwise the editor maintained his cautious 'Assembly' until the year 1283, when, apparently on English authority, he employed the word 'Parliament' for the meeting to acknowledge the Maid of Norway as heir-presumptive to the throne. In 1290[3] it is similarly used in connexion with the Treaty of Brigham, but, again, not in the document itself. It appears for the first time in the text of the original records in February, 1293, when it is

[1] See *Scottish Historical Review*, xii. 115.

[2] Dr. Neilson has kindly called my attention to the fact that a twelfth century Anglo-Norman writer applies the word 'parlement' to a council held by William the Lion: 'Dunc tint li reis Willame sun plenier parlement' (Jordan Fantosme's *Chronicle*, l. 258). The word cannot have any technical significance, but it is curious to find what became a technical term 'plenier parlement.'

[3] Dates are always quoted in this paper in New Style.

applied to a council held by John Balliol, and it also occurs in documents of August, 1293, and March, 1309. In 1312 we find 'concilium'; in 1314 and in 1325 'Parliamentum'; in 1318, 1321, and 1323 'plenum Parliamentum'; and in 1324 'plenum concilium' (*A.P.* i. pp. 461, 464, 483, 465, 479, 481, 482). At the great Parliament of Cambuskenneth, in 1326, although no clergy are actually recorded to have been present, the meeting is described as 'plenum Parliamentum' (*Ibid.* p. 475).

The earlier usage was, therefore, 'Concilium' or 'Curia'; the few instances of the latter term which we possess suggest its restriction, even at this date, to meetings for judicial purposes. The term 'Parliament' became familiar in England in the thirteenth century, and was introduced into Scotland during the period of English influence in the end of that century. By the date of the Parliament of Cambuskenneth it had firmly established itself, and it is the regular usage until about 1344.[1]

From 1347 to the end of the reign of David II. the word 'Concilium' is more frequently employed than 'Parliamentum.' The authority for the terminology is to be found in the documents themselves, *i.e.* in charters or in the 'Blak Buik' transcript of the records of Parliamentary proceedings. The two terms do not tend to be used indifferently; if a meeting is described as a Parliament in the Black Book it is also called a Parliament in a charter (cf. *A.P.* i. pp. 498, 506, 507, 527, 532, 536). There are also instances in which independent charters are consistent in their use of the word Parliament or of the word Council (cf. *A.P.* i. pp. 514, 525 for 'Parliamentum,' and p. 522 for 'Concilium'). It is, therefore, possible that the two terms are employed distinctively and deliberately in these documents, but it is difficult to trace any points of differentiation.

No guidance is to be obtained from the actual proceedings at these meetings; this may be because our information is so fragmentary. It is, at all events, certain that important legislation could be passed in a Council as well as in a Parliament (*A.P.* i. pp. 491, 498). If legislation yields no grounds of distinction, can we base any guess upon the composition of the assembly? There is some temptation to do so in the fact that in every case except one in which we have definite evidence of the presence of burgesses the meeting is called a Parliament (July 1366, Sept. 1367, Feby. 1370), and that in the one exceptional instance (Jan. 1365) the

[1] There is at least one exception, a 'plenum concilium' at Aberdeen in February, 1343 (Anderson's *Aberdeen Charters*, p. 17).

term employed is not the bare 'concilium' but 'tanquam in concilio generali' (*A.P.* i. p. 495). The unusual meeting or series of meetings in September, 1357, to negotiate about the ransom of David II., when burgesses were present, is also a 'plenum concilium.' But the available instances are so few that they form a slender foundation for a theory that if an assembly included burgesses it was not a mere 'concilium' but a 'Parliamentum' or 'plenum concilium,' and their effect is to some extent discounted by a statement that the 'tres communitates' were present at a 'Concilium' in November, 1357 (*A.P.* i. p. 491).

We must not expect absolute verbal precision, for we are dealing, in the reign of David II., with a period of institutional growth and development. What was, so far as we know, a new kind of 'Concilium' was coming into existence—the Secret or Privy Council, the obscure early history of which can best be discussed in another connexion. When institutions are growing there must be 'terminological inexactitude' (in the natural sense of the words), and the succeeding reign of Robert II. supplies us with examples. In that reign we have seven instances of the use of the word 'Parliamentum,' five of 'Concilium Generale,' and four of 'Concilium.' Burgesses were present at Parliaments in March, 1372, and in April, 1373, but they were also present at a Council in October, 1372. An assembly which met in June, 1382, is termed in one document a 'Concilium Generale' (*A.P.* i. 563) and in another a 'Concilium' (*A.P.* xii. pp. 18-19). But both things and names were gradually becoming more clearly distinguished, and after the reign of Robert II. we have no instance of the application of the term 'Concilium' to an assembly with any pretensions to being a Parliament. Councils continued to meet, and they have an interesting history, but they can be clearly distinguished from meetings of the Estates. Such meetings were described indifferently as Parliaments or General Councils until the reign of James II., when the latter term fell into disuse. 'Parliamentum' is invariable in the reigns of James III., James IV., and James V., with the single exception of the year 1513, when a 'Concilium Generale' was held at Perth soon after Flodden.

Three years after the death of James V. we find a new term in the Parliamentary records. In the year 1545 there appears a record of a Convention of the Nobility. No special significance attaches to this date, because minutes or other records of Conventions were kept in the *Register of the Privy Council*, and the extant portion of

the *Register* begins with the year 1545. The Privy Council minute refers to the Convention as 'a general convention now held in Stirling like as has been this long time' (*P.C.R.* i. p. 6), and it happens that we have, in an English source, a record of a Convention in the preceding year (*State Papers*, 1836, vol. v. p. 391). The institution was no novelty in 1544, for the *Register of the Great Seal* preserves a reference to a similar meeting as far back as October, 1464, in the minority of James III., when the young king made a revocation of grants of Crown lands in the presence of a 'congregation of the lords spiritual and temporal' (*Mag. Sig.* ii. No. 811, *A.P.* ii. p. 84). A similar revocation made in the minority of James II. had the authority of the three Estates at a General Council at which commissioners of burghs are recorded to have been present (*A.P.* ii. p. 31).

Before we can make any guess as to the significance of this difference of procedure we must look for any references to Conventions outside the Parliamentary records. I have been unable to find any evidence before the beginning of the reign of James II. In a rubric in the eleventh chapter of the sixth book of his *History* John Major speaks of a Convention of the Nobility which passed a decree for the payment of the ransom of James I. after his release, but in the text he calls it a Parliament, as also does Bower, who was a contemporary authority for the period, and the Parliamentary record itself speaks of the three Estates (*A.P.* ii. p. 3). It is significant that Bower, who was especially familiar with the administration under James I., never suggests the existence of a Convention as distinguished from a Parliament. The first suggestion of a Convention occurs in connexion with the coronation of James II. Pitscottie, relying upon the continuation of Boece by the sixteenth century Italian Ferrerius (edn. 1574, Bk. xviii. p. 357), writes about a Convention after the death of James I. Ferrerius is no authority upon the events of 1437, but the records of Parliament to some extent corroborate his statement, for, though the three Estates are said to have met, the third Estate (the burgess members) do not seem to have attended the coronation (*A.P.* ii. p. 31). Ferrerius also asserts that, before his fatal expedition to Roxburgh, James II. ordered 'omnes regni nobiles conveniri' (xviii. 379). Again, he may be right, though his account of the diplomacy of the time is not trustworthy.

Much better authenticated is a statement that, on the death of James II., the Queen-Mother, the bishops, and other nobles met at Kelso and crowned James II. in 1460. There is no

Parliamentary record, but the statement is made in the *Auchinleck Chronicle*, which is a contemporary authority. The writer does not call the meeting a Convention, but it was similar in composition to the 'Congregation' which we know to have met in 1464. There is thus some reason to connect the origin of Conventions of the Nobility with the middle of the fifteenth century, and unofficial Conventions were a feature of the disturbances of the later part of the reign of James III. They were held with some formality, and in this respect they form a contrast to the secret leagues or bands in the reign of James II. Pitscottie's references to such meetings or Conventions are of some importance, because he had family sources of information about the events of this time, and he is sometimes corroborated by Buchanan. The success of the combination which deposed James III. and placed James IV. on the throne must have increased the power and prestige of these Conventions, and, though we do not find them under the strong rule of the fourth James, the growing importance of the Privy Council in his reign prepared the way for the attribution of great authority to meetings of the nobility.

In the minority of James V. we have many statements about such meetings, and the circumstances of the time afforded many opportunities for their employment. Readers of Buchanan's *History* will recollect the frequent occurrence of the phrase 'conventus procerum' in his narrative from the beginning of the reign of James V., and it is worth noticing that, whereas in the history of the earlier Jameses, he frequently uses 'Conventus' for 'Parliament,' he generally employs, after the death of James IV., the fuller expression 'Conventus Ordinum' for a meeting of the three Estates. Buchanan tells of 'conventus procerum' at Stirling immediately after Flodden, at the time of the execution of the Homes in 1516, and on other occasions, *e.g.* in 1521 and in 1530. Pitscottie mentions a Convention of the Lords after the marriage of Queen Margaret to Angus in 1514, a convention of the Angus faction after Albany's arrival, and Conventions for the execution of the Homes, before the Armstrong expedition,[1] and before Solway Moss. His story of a Convention to elect Arran as Governor in 1543 is confirmed by the Parliamentary record, which shows that, at a preliminary meeting of the Lords Spiritual and Temporal, oaths to the new Governor had been taken (*A.P.* ii. 411).

[1] If this statement is correct, it is, except for the assertion of Ferrerius already quoted, the first instance of a Convention held by a king in person. All the other examples (when they are not meetings of rebels) occurred during minorities.

The Convention of 1544, recorded in the English *State Papers*, included, besides the Queen-Mother, four bishops, three abbots, eighteen earls and lords, and one baron (Sir John Campbell of Cawdor). Barons or freeholders who were not lords of Parliament were also present in the Convention of 1545 (*A.P.* ii. pp. 594-5); they include the seven barons or freeholders present in Parliament in August, 1546 (cf. *S.H.R.* xii. p. 118). Such Conventions were, in fact, merely meetings of partisans, and it is their recognition by the Privy Council that gives them constitutional importance. This recognition does not depend merely upon the entries of the records of their proceedings in the *Register*, for in 1545 the Council asserted that 'diverse greit and wechty materis that concernis the common wele and estait of the realme' could not be considered 'without avise of the principal Lordis Barronis baith spiritual and temporall,' and it therefore 'ordanit ane conventioun and counsale' to be held (*Reg. P.C.* i. p. 14). In 1545, in 1546, and in March, 1547, the Council agreed that Conventions should appoint Committees of their own members to be present, in rotation, at meetings of the Council (*A.P.* ii. 594-8).

A Convention which met in 1547, just before the battle of Pinkie, has a special importance, because it affords the earliest example of anything in the nature of legislation by a Convention. Acts were passed allowing certain privileges to the heirs of those who should fall in the battle, if it should happen 'as God forbid, any earl, lord, baron, freeholder, vassal, sub-vassal, feuar, mailer, tacksman, rentaller, and possessioners or commons to be slain or take sickness, wherethrough they happen to decease at this present army.' A further act gave to his nearest kin the presentation, for one turn, to any benefice the incumbent of which should be slain. The acts were passed by 'my Lord Governor and all the noblemen, barons, and freeholders and gentlemen being convened and assembled' for the war (*A.P.* ii. p. 599). From 1549 to 1561 we have no detailed information about Conventions, but the records of the Privy Council are very fragmentary.

In December, 1561, occurred the first Convention summoned during the active rule of a sovereign about which we have certain knowledge. Fifteen lords and two knights sat with the Privy Council. The *sederunt* of the Council is given as fourteen, including the officers of state, so that the 'extra-ordinarii ratione Conventus' were in a majority. The Convention passed some important temporary acts. In May, 1565, we have the record of a *sederunt*

of a Convention without any minutes, and in July and August the Privy Council was enlarged by the admission of 'divers noblemen presently convened' for the discussion of the conduct of the Earl of Murray in the 'Run-about-Raid' (*P.C.R.* i. 335, 341, 342, 346). In 1566 an important step was taken, for commissioners from eight burghs attended a Convention to grant a tax for the baptism of Prince James. The names of the lords present who were not members of the Privy Council are not given, but the record states that 'a good number of the Prelates, Nobility, and Commissioners of Burghs' were convened (*A.P.* ii. 485). This is the first instance of the grant of a tax, which in the seventeenth century became the main purpose for which Conventions were summoned. It is also the first instance of the presence of burgesses at Conventions.[1] The two facts are obviously connected, for the Royal Burghs bore a definite share in the taxation of the realm. The precedent of 1566 was followed with regard to burgesses, in July, 1567, in connexion with the deposition of Queen Mary. The famous proclamation about delivering the Queen from Bothwell was issued in June by the 'Lords of Secret Council and Nobility,' but, in July, commissioners of burghs were present with 'the Lords of Secret Council and others of the Nobility, Prelates, and Barons' at a Convention which received and approved Mary's enforced deed of abdication and her equally enforced creation of a Regency, and which crowned the infant prince (*P.C.R.* i. 531-542).

The summons of burgesses was legalized in December of the same year, by an Act of Parliament which gave a new and legal status to Conventions of the Estates. An effect of this new status is probably to be traced in the fact that the records of meetings of Conventions began to be kept in separate form and not only as entries in the *Register of the Privy Council*, though very few of these separate records are now extant. The Act of 1567 was passed by the first Parliament of James VI., and it ordered that 'when there shall happen a general convention to be for the weighty affairs of the realm, the provosts of burghs or their commissioners be required thereto, and their consents had to the same, and in special for general taxes or extents.' From

[1] Freeholders below the rank of lords of Parliament were frequently present in Conventions, although in the Convention of 1572 their right to attend was regarded as dubious (cf. *S.H.R.* xii. p. 119). After the Act of 1587 empowering the smaller barons to elect commissioners to Parliament, there can have been no question about it.

this date onwards until the departure of James VI. for England, Conventions were held almost every year, and frequently oftener than once a year. Burgess representation was frequent but not invariable, and the numbers of burgess representatives were generally very small. The records of the Convention of Royal Burghs suggest that the paucity of burgess members was the fault of the burghs themselves, and it is probably to be explained by the great frequency of meetings of Conventions. After 1603, Conventions were occasionally held in the reign of James VI.; there are three instances in the reign of Charles I. and three in the reign of Charles II. The last of these was dissolved in July, 1678, and after that date the word Convention disappears from the records of Parliament and Privy Council, except for the Convention-Parliament of 1689.

It is to the period from 1567 to 1678 that we must look for any definition of the constitutional position of Conventions as compared with Parliaments. If we can trace any constitutional theory in the references to, or records of, early Conventions, it is that their proper business was the recognition of a new ruler. The Auchinleck Chronicler, Ferrerius, and Pitscottie all (correctly or incorrectly) connect a Convention with an accession, and one of Buchanan's Conventions met immediately after Flodden. We know that Conventions were held at the election of Arran as Governor in 1543, and that the Convention of 1544 asserted its right to choose a regent, and attempted to replace Arran by the Queen-Mother (*State Papers*, 1836, v. p. 391). Calderwood (i. p. 282) tells us that, when Mary of Guise did supersede Arran in 1554, the transference of the regency was made at a Convention. Conventions were summoned in July, 1567, to receive Mary's abdication and to approve of the arrangements for the regency, in 1570 to elect the Regent Lennox, in 1571 to elect the Regent Mar, in 1572 to elect the Regent Morton, and in 1578 to recognize the assumption of regal authority by James VI. The Convention Parliament of 1689 could thus claim a considerable number of precedents for its election of William and Mary.

The continuous association of Conventions with the inauguration of new rulers suggests, at all events in the sixteenth century, the possibility of the existence of a theory that, while Parliamentary recognition was necessary for a sovereign or regent, it was desirable to secure an immediate recognition by means of a Convention which could be more easily summoned. This is what happened

in 1543, when Arran's election was made by a Convention of the nobility and immediately confirmed in Parliament (*A.P.* ii. p. 411). The records of the Parliament of 1554 are only fragmentary, but the fragments which have been preserved are ratifications of arrangements made in connexion with Arran's demission of the regency. It is therefore probable that, as Calderwood asserts, the appointment of Mary of Guise was also confirmed (*A.P.* ii. p. 600). The Parliament of December, 1567, confirmed the acceptance of Mary's abdication and the choice of Murray as regent, made at the Convention of the preceding July (*A.P.* iii. p. 11). Murray was assassinated on the 23rd January, 1570, and, on the 14th February, a Convention of the 'Nobility, Estates and Barons' met at Edinburgh to deal with the immediate situation. It included commissioners from the burghs, in accordance with the Act of 1567 (*Reg. Privy Council*, xiv. pp. 32 *et seq.*). Owing to the controversies of the time, there was a long delay in the choice of a regent, but Lennox was elected by a Convention in July, 1570. We have no official record of any Parliament in that year, but Calderwood (iii. 18) mentions a meeting of Parliament in October, at which the authority of Lennox was confirmed (cf. also the *Diurnal of Occurrents sub anno* 1570). After the death of Lennox, in 1571, Parliament and Convention seem to have been sitting at the same time, but the election of the Regent Mar was made by the Convention and subsequently confirmed by Parliament (*A.P.* iii. pp. 58, 65). In 1572, a Convention elected Morton in November, and its action was confirmed in the following January (*Ibid.* pp. 71, 78). In 1578, the 'publication of the kingis acceptatioun of the governament' was made to a Convention in March and was ratified by a Parliament in July (*Ibid.* iii. pp. 94, 115). We should not expect any recognition of the accession of Charles I., for that monarch would have regarded such a declaration as, at the best, officious; but it happened that, soon after his accession, he summoned a Convention to grant a tax for his proposed visit to Scotland, and it may not have been by accident that the Convention, in its act of taxation, took the opportunity of referring to the king's coming 'to take upon him the imperial crown of the said kingdom, whereof his Majesty by an undoubted and lineal descent and succession from so many royal and worthy progenitors is the true and lawful heir' (*A.P.* v. p. 167). The accession of Charles II. in 1649 was acknowledged by a Parliament which was in session at the time (*A.P.* vi. 2. p. 157), but that of James VII. was marked, as we

should expect, only by taking the oath of allegiance (*A.P.* viii. p. 457). The Convention-Parliament of 1689, in this respect, followed an old Scottish precedent when it ratified, as a Parliament, in July, what it had done in April as a Convention (*A.P.* ix. p. 99). On the accession of Queen Anne, Parliament passed an act to acknowledge her authority (*A.P.* xi. p. 15).

The election or recognition of new rulers, though it may be connected with the origin of Conventions, formed only a small part of their activities in the reigns of Mary and James VI. We have already seen that a great development in the history of Conventions can be traced to the six years of Mary's active rule. Burgess members were admitted; temporary acts were passed; accusations of rebellion were dealt with; a tax was granted; proclamations were issued. All this had happened before the first Parliament of James VI. (Dec. 1567) gave a defined legal status to Conventions.

Between 1567 and 1603, when Conventions were very frequently in session, they served three main purposes.

1. They were an enlarged and strengthened Privy Council for executive and judicial purposes. These purposes covered a very wide range of political action. Conventions prepared public business for the consideration of Parliament. They sanctioned measures for the enforcement of law in the Highlands and Islands and in the Borders. They dealt with grave charges brought against prominent persons. Three cases, very different from each other, may be taken as illustrations—the Master of Gray, accused of having betrayed Queen Mary to death; the Earl of Huntly, one of the Catholic lords whose intrigues added to the complications of James's strange diplomacy; and Walter, first Lord Scott of Buccleuch, who got into short-lived trouble for his rescue of Kinmont Willie. Private suits also came before Conventions. They constantly issued proclamations which attempted to enforce the observance of the law. Such proclamations were based upon 'lovable acts' of the Estates, which were duly quoted. Changes in the coinage were very frequently sanctioned by Conventions, which thus became responsible for the constant depreciation of Scottish money in order to obtain profit from the mint. They were also employed to deal with questions of ecclesiastical policy, and on important occasions in 1569 and in 1585 they played a part in foreign policy. It was a Convention that in July, 1585, gave a national approval to the league between King James and Queen Elizabeth, the king holding that the matter was too urgent to be

deferred 'to a mair solemn Convention of the haill Estaittis in Parliament.'[1]

All these things could have been done, and similar things were often done, by the Secrèt Council itself, but the authority of the regent or the king was felt to be strengthened in important matters by reference to a Convention of Estates. This was a reasonable attitude, and in theory unassailable, but in practice it was in danger of degenerating into a device of adding a few lords or burgesses to the Council, and thus employing the name of the Estates on what were really false pretences. There are indications of this tendency before the time of James VI., for we find combined meetings of a Convention and the Council in 1545-7, in 1561, and again in 1566, and there were periods in the reign of James VI. when Convention and Council became almost indistinguishable.

The first of these was at the time of Morton's enforced resignation of the regency and his temporary recovery of power. In March, 1578, King James, at a convention of the nobility, took the government into his own hands because of 'the mislikyng that mony hes in the persoun of his richt traist cousing James erll of mortoun' (*A.P.* iii. p. 115). This decision was to be ratified in Parliament in July, but by the end of May, Morton had again obtained possession of the person of the young king, who was residing in Stirling Castle. Under Morton's influence the Secret Council, on the 2nd June, summoned a meeting of 'his Majesty's haill Counsale' to prepare business for the consideration of Parliament. The Council minute refers to the 'whole Council' as 'the said Convention,' and thus identifies a Convention not with an informal meeting of the Estates but with a large meeting of the Council (*P.C.R.* ii. 703). This Convention, which included twenty earls and lords of Parliament, two 'masters' or eldest sons of lords, eight bishops, eight commendators of the old religious houses and nine burgesses, replaced Morton in the Privy Council and gave him the first place in it (*A.P.* iii. p. 120). Further, it ordered that the Parliament should meet only for one day in Edinburgh, whither it had been summoned, and should then be adjourned to Stirling (*P.C.R.* ii. p. 705). When the Parliament met, Morton held a Convention (which did not include any

[1] *Privy Council Register*, iii. p. 760. Illustrations of the activities of Conventions must be sought not only in the *Acts of Parliament* but in the *Register of the Privy Council*, and especially in vols. i.-viii., xi., xii., and xiv., and 2nd Series, vol. i.

burgesses) after Parliamentary hours (*Ibid.* iii. p. 7 n.). By unscrupulous use of the unscrupulous methods of the time Morton obtained control over Parliament, and, though he brought the country to the verge of civil war, he was successful in establishing his ascendancy by an Act of Parliament which constituted the Privy Council to his mind (*A.P.* iii. pp. 94-114). A compromise, by which bloodshed was averted, slightly altered the composition of the Council, but not sufficiently to interfere with Morton's position as chief minister. Morton had repeated recourse to his device of enlarging the Council and calling it a Convention; he obtained a tax in November, 1578, from a meeting which consisted of six members of the Council and seven non-members—four lords and three bishops (*P.C.R.* iii. pp. 45-46); in March, 1579, he secured the passing of some legislation by a meeting which included on different days from twenty-one to twenty-six lords and commendators and three officials, but which described itself as 'the three Estates presently convened' (*P.C.R.* iii. pp. 108-120); and a similar meeting was held in August, 1579 (*A.P.* iii. pp. 187-8, *P.C.R.* iii. pp. 198-201). On one occasion Morton even claimed the authority of a Convention for an ordinary meeting of the Council (*P.C.R.* iii. p. 57).

After Morton's fall, in December, 1580, this device was not so regularly employed. The presence or absence of burgess members supplies a rough (though not an unfailing) test, and at the first Convention after Morton's fall, burgesses were present (Calderwood, iii. p. 488). In April, 1583, a small Convention, which included one burgess member, showed, as we shall see, some independence. Thirteen burgesses attended a Convention in July, 1585, which approved the league with England (*A.P.* iii. p. 423), and we find burgesses in Conventions in September, 1586, April, 1588, and June, 1590, all of which transacted important business (*A.P.* iii. pp. 424, 523, 524). But, in addition to a number of Conventions about which we have no information, there are instances, *e.g.* in 1588, 1590, and 1591 (*P.C.R.* iv. 284, 290, 513, 666), of the king's employing the Council, sometimes not even enlarged, as a Convention, and the events of the year 1593 obliterated, for a time, the distinction between the two bodies. The circumstances of the year 1593 will be found, fully discussed, in the late Professor Masson's Introduction to Vol. V. of the *Privy Council Register*, and I should like to take the opportunity of expressing here my very great obligations to Dr. Masson's Introductions and notes, on which this section of my discussion is

largely based. It will be sufficient to say that the extraordinary, and almost incredible, story of the Earl of Bothwell had, as one of its features, a collapse of the ordinary system of the Privy Council. Ordinary meetings of the Council fell into partial abeyance, and King James had recourse to Conventions of Estates, which met on the 11th and 12th September, the 31st October, the 23rd and 26th November, and the 27th December, 1593, and on the 17th-21st January, and the 29th April, 1594. At all of these meetings, except that of the 27th December, burgess members were present, but the business transacted at all of them, except one, was such as would ordinarily have been dealt with by the Privy Council. The single exception was a large Convention, including twenty-two commissioners of burghs, which met in January, 1594, to grant a tax and to pass an act regulating the composition of the Privy Council until the next Parliament met in April (*P.C.R.* v. p. 117).

From this re-constitution of the Council in 1594 the history of Conventions becomes clearer and more definite. We can trace the meeting of some seventeen Conventions between November, 1594, and February, 1601. At eleven of these we have evidence, in one form or another, of the presence of burgesses; for four Conventions we have no information. Only twice have we evidence of the employment of an enlarged Council as a Convention—in December, 1596, and January, 1597, in the crisis of the king's struggle with the clergy and with the town of Edinburgh, when he had strong reasons for excluding commissioners of the burghs (*A.P.* iv. pp. 103-104). During these seven years, and after the king's accession to the English throne, Conventions were employed to strengthen the authority of the Privy Council for affairs of importance.

2. Conventions were also employed to pass temporary legislation, but I have found no instance in which the final power of legislation was claimed by a Convention.[1] In 1574, for example, a Convention introduced a new poor-law, but with the provision that it was to be operative only until the next Convention or Parliament, 'that then it may be considered what is further requisite to be provided for, in this behalf, or if anything herein ordained shall

[1] Sir Thomas Craig (*Jus. Feud.* i. 8, c. 10) refers to Conventions, but merely remarks that, though their statutes have not the full weight of Acts of Parliament, yet they have legal authority and were wont to be observed as laws, especially when Conventions used to be held instead of Parliaments. The *Jus. Feudale* was published in 1603.

then appear unprofitable, superfluous, or worthy to be changed.' If the next Parliament or Convention did not deal with the subject, the temporary act was to continue till further express direction be made (*A.P.* iii. p. 89). References to ratification by a future Parliament occur in all acts which can be described as legislative rather than executive, and there are numerous instances of such ratifications. Conventions might thus have afforded an opportunity for tentative legislation (as royal ordinances did in England for some years in the reign of Edward III.), but, in point of fact, Parliament frequently confirmed the acts without alteration, and not much credit can be claimed for the arrangement as an aid to sound legislation.

It must be observed that this power of temporary legislation almost necessarily involved the power of interpreting and even of modifying Acts of Parliament. The right of interpretation was, indeed, virtually shared by the Privy Council, which, both in its judicial and its executive capacity, enforced its own reading of 'the proper effect' of statutes. Conventions, however, had the further power of giving their interpretation statutory force until Parliament should otherwise direct. Thus, in December, 1596, a Convention (which, as we have seen, was only an enlarged Privy Council) passed a treason act and an act for the acknowledgment of the royal authority; both were avowedly based upon Acts of Parliament of 1584 (*A.P.* iii. pp. 292, 296), but the Convention declared that these acts extended so far as to make it the duty of sheriffs, magistrates, noblemen, and landed gentry to stop 'slanderous and seditious preaching in contempt and disdain of the King or his predecessors and in interference with affairs of State' (*A.P.* iv. p. 101). Again, in May, 1597, a full Convention passed an act declaring the meaning of an Act of Parliament relating to usury. The declaration amounted to a wide extension, which was confirmed by Parliament in November.

It is more difficult to find actual illustrations of the modification of Acts of Parliament by a Convention, because, though new temporary acts must have invalidated clauses of existing acts, the draftsmen were very careful not to claim for a Convention the power of repealing anything beyond acts of Conventions or of the Privy Council. But in March, 1597, a Convention passed an act whereby burgesses of a town could be compelled to serve on an assize if the crime was committed within four miles of their burgh (*A.P.* iv. p. 115), thus restricting a wider exemption granted by an Act of Parliament in 1567 (*A.P.* iii. p. 44). A

more direct illustration is the Act of the Convention of January, 1594, reconstituting the Privy Council (*A.P.* iv. p. 53), which superseded an Act of Parliament of the preceding April (*Ibid.* iv. p. 34). But, even in this instance, the Convention deliberately refrained from professing to repeal the Parliamentary statute, and, though its act really substituted one Council for another, it contained a clause to the effect that members who claimed to sit under the Act of Parliament 'ar nawise secludit, bot admittit to have access place and vote.' The scrupulous care with which Conventions avoided claiming Parliamentary powers is a remarkable feature of their troubled history, and illustrates the respect for a theory of the constitution, which may, indeed, have been the tribute paid by vice to virtue, but which is none the less a factor in Scottish history deserving of more attention than it has received. It is this tradition that explains the unusual stand made by the Convention of 1625 when they declined to adopt a suggestion of Charles I. and to pass an act against 'merchants becoming usurers when they have acquired some wealth,' and remitted consideration of the subject to a Parliament. Similarly, they regarded it as beyond their powers to consider a petition of the burghs about a modification of their annual rents (*A.P.* v. pp. 176, 184, 185).

It is, of course, necessary to remember that the powers of the Executive were very wide, and that a Convention, called to strengthen the Executive, might easily regard as matters of administration what would appear to us to be legislation. I have noticed at least one act which might have been passed as temporary legislation, but which was actually given the status of a permanent order of the Executive, and which, therefore, did not obtain, and was not intended to obtain, Parliamentary ratification. In July, 1599, a Convention passed an act forbidding unlicensed printing. This act, which involved a death penalty, was not based upon 'lovable acts' of former Parliaments, but upon 'the lovable custom received in all other civil nations,' and it became a permanent law without any Parliamentary intervention (*A.P.* iv. p. 187). This is the more remarkable, because there was an Act of Parliament of 1551, of a more restricted type, which might have been quoted as a precedent, though it was directed specifically against 'ony bukis ballatis sangis blasphematiounis rymes or Tragedeis outher in latine or Inglis toung' (*A.P.* ii. p. 489). This was an exceptional stress of the powers of a Convention; but if we regard it as an act of the Executive, it finds an analogy

in the history of the censorship in England up to the time of the Commonwealth.

3. Conventions were freely used for purposes of taxation, and the legal power of a full Convention to grant taxes was never questioned. But when, in November, 1578, under Morton's rule, a slightly enlarged Council, consisting only of lords spiritual and temporal, granted a tax of £12,000 for maintaining a force on the Borders (*P.C.R.* iii. 46), so much indignation was aroused that the Council took an early opportunity of explaining that they had levied the tax as an alternative to a levy of the lieges who would have found it irksome and painful to travel at that season of the year, that there had been no intention of prejudicing the liberties or privileges of any Estate, and that the incident would not constitute a precedent (*P.C.R.* iii. p. 56). Again, in April, 1583, a small Convention, including one burgess member, refused to grant more than a sum of money for immediate needs, and insisted that the king's larger demand should be referred to a Parliament or to a 'new Convention of Estates in greater number than is presently assembled' (*A.P.* iii. pp. 328-9). In December, 1586, when the life of the king's mother was in jeopardy, James asked what seems to have been an informal Convention for money for the necessary expenses of pleading her cause, and received the reply that the Estates had consulted together, but that they found 'their greatest difficulty at this time in the fewness of their number.' The noblemen and prelates, however, offered a voluntary gift, and the burgesses promised to consider the question (*P.C.R.* iv. p. 129). In June, 1587, some months after Mary's death, an order was issued for payment of the sums promised by the lords, but the burgesses appear not to have subscribed.

There is at least one instance of the refusal of a tax by a Convention, but it is known to us only from English sources. King James, who was very impatient with Queen Elizabeth's longevity, was also much alarmed lest his succession to her crown should not be recognized in England, and he summoned Conventions in December, 1599, March, 1600, and June, 1600, with the view of obtaining sufficient money to equip an army with which to enforce his claim. The three successive Conventions declined to approve of this policy or to grant money for its adoption, and at the Convention in June, the Lord President of the College of Justice (afterwards the Earl of Dunfermline) insisted that the idea of a conquest of England was ludicrous, a

view which was supported by the smaller barons and burgesses, and which was hastily adopted by a subsequent speaker on behalf of the king. It is significant that there is no official record of these proceedings; some acts of the Convention of 1599 are preserved, but there is no hint of that of March, 1600, and only an incidental reference to the summons of the June meeting (*P.C.R.* vi. p. 98). These omissions can scarcely have been other than deliberate. Of the contemporary historians and diarists, Calderwood, Spottiswoode, and James Melville throw no light upon the subject; Moysie mentions the Convention of December, 1599, and says that the proposal for a tax for the supply of his Majesty's necessities was 'murmured against' and postponed to a larger Convention to meet in March. But the attention of the Scottish annalists of the year 1600 was entirely devoted to ecclesiastical disputes and to the Gowrie conspiracy. Our information comes from the watchful agent of Queen Elizabeth, George Nicolson, and will be found summarized very briefly in Thorpe's *Calendar*, vol. ii. pp. 779-784, and more fully in Tytler, vol. ix. pp. 303-327. One of the letters is printed *in extenso* in Colville's *Letters*, pp. 297-8. It is unfortunate that our information about the refusal of a tax should be so meagre, for there are not many such incidents in Scottish Parliamentary history.

After the Union of the Crowns, James summoned four full Conventions. In 1605 he summoned a Parliament for the 7th June, but changed his mind and called a Convention instead. His commissioners held a formal meeting of Parliament and adjourned. The *Register of the Privy Council* (vii. p. 55) shows that the Convention, which included nine burgesses, held one sitting and passed some executive acts. Another Convention met in 1608 in similar circumstances. A Parliament had been summoned for the 10th May, and again the Lords Commissioners held a formal meeting for adjournment, and its place was taken by a Convention which had a single sitting on the 20th May. The business was the summons of a levy to reduce the Islesmen to obedience, and James anticipated 'distemperit humours' in the Estates (*P.C.R.* viii. p. 502); but the Convention, which was attended by representatives from twelve burghs, sanctioned the proposed means of introducing 'civility, quietness, and obedience' into the Isles (*A.P.* iv. p. 404). In January, 1609, a Convention, including representatives from nine burghs (*Ibid.* iv. p. 405), carried out without opposition a pre-arranged programme of legislation in accordance with royal instructions (*P.C.R.* viii.

pp. 547-554). All their important measures were ratified by a Parliament in the following June. James, since his removal to England, had not used a Convention for purposes of taxation, but in March, 1617, a Convention consisting of eleven bishops, seventeen earls and lords, four officers of state, twenty-one commissioners from shires, and nineteen commissioners from burghs, granted £200,000 for the expenses of the approaching royal visit to Scotland (*A.P.* iv. p. 581). It transacted no other business. James never again summoned a full Convention, but in October, 1620—January, 1621, he attempted to obtain from the nobility a grant in aid of his son-in-law, the Elector Frederick, and received the reply that the nobility had no power to impose taxation even upon themselves, and that if they were to try to do so, the result would not prove 'worthie to be callit the benevolence of the Nobilitie of Scotland.' They therefore urged the king to summon a Parliament, which he reluctantly did (*P.C.R.* xii. pp. 366, 378, 404; *A.P.* iv. pp. 589-90).

King Charles I., in 1625, summoned a Convention of Estates which met in unusually large numbers, and showed an unusual amount of independence. They granted unanimously the taxation desired by the king for his visit to Scotland and his coronation; but they refused to commute this sum for an engagement to supply and maintain an army of 2000 men for three years. We have already seen that they declined to deal with one of the royal suggestions (about usurers), on the ground that it was a proper subject for Parliamentary action. They also refused to establish a tax of 48 shillings Scots on every ton of coal exported in a foreign vessel. They could not argue that this would be beyond the competence of a Convention, and they gave as their reason the consequent detriment to the coal trade. Further, on their own initiative, they asked that the rules affecting the dignity and precedence of Nova Scotia baronets might not come into effect until Nova Scotia had actually been colonized, and they censured Sir John Scot of Scotstarvet, a royal official and a member of the Privy Council (*A.P.* v. pp. 166-188; *P.C.R.* 2nd ser. i. pp. 150-180).

No special interest attaches to the much more amenable Convention which sat in July and August, 1630. It granted a tax, and it passed various minor measures desired by the king. The commissioners of the shires indulged in a little grumbling, but there is no indication of any opposition. Like some of the Conventions of James VI. after the Union of the Crowns, it took the

place of a Parliament, which was elected in 1628 but was repeatedly prorogued, and transacted no business until 1633. The historian Row (*sub anno* 1630) says that a list of ecclesiastical grievances was presented by 'noblemen, barons and burgesses' and that they were 'deferred to another time.' The Parliamentary records contain no reference to these grievances. The Convention appointed a Committee or Commission to discuss fishery questions, which met on various occasions in 1631 and 1632.

The Convention of 1643-44 was not summoned by the king. Before the dissolution of the last Parliament in November, 1641, it had been arranged, 'in accordance with the Triennial Act of 1640, that the next Parliament should meet in June, 1644, unless the king should summon one at an earlier date (*A.P.* v. p. 588). In May, 1643, the Privy Council, the Commissioners for the Conservation of the Peace and the Commissioners for Public Burdens agreed to instruct the Lord Chancellor to summon a Convention of Estates on the 22nd June. They informed the king of their intention, and he protested against the infringement of his prerogative (Burnet's *Dukes of Hamilton*, p. 218). Baillie tells us that the question of the power of the Council to summon a Convention was raised. 'This Argyle and Warristoune made clear by law and sundrie palpable pratiques, even since King James's going to England, where the Estates have been called before the king was acquainted' (*Letters and Journals*, ii. p. 68). The king's knowledge of law and history was better than Argyle and Warriston's, but, on the advice of Hamilton, he decided to temporize, and on the 10th June he wrote a letter to the Convention, waiving the rights of the royal prerogative, and permitting the meeting, with certain limitations. The minutes of the meeting of Convention contain no reference to this letter; on the 26th June it passed an act declaring that, as it had been summoned in the king's name, it was a lawful, free, and full Convention, with the ordinary powers of treating, consulting, and determining (*A.P.* vi. Pt. i. p. 6). The Convention met from the 22nd June to the 26th August, and then prorogued themselves to a second session, which lasted, with intermissions, from the 3rd January to the 3rd June, 1644. It cannot be said that in their deliberations they went beyond the precedents of former Conventions. Even the adoption of the Solemn League and Covenant could be defended as following the precedent of the Convention of 1585, which took a covenant for the maintenance of the true religion and made a league with England. The precise regard for

legality with which they acted is shown by the fact that the Convention came to an end on Monday the 3rd June. A new Parliament, specially elected, met on Tuesday the 4th June, being 'the day appoynted be the laste act of the last Parliament.' It went through the form of inquiring if any Commissioners had been sent by the king, but the macers received no answer, and then, but not till then, the Parliament was 'fenced' or constituted. On the 15th July acts were passed to ratify the summons of the Convention and all its acts, including the Solemn League and Covenant (*A.P.* vi. Pt. i. pp. 95-6, 148-155).

The three Conventions of the reign of Charles II. (1665, 1667, and 1678) were fully attended meetings of the Estates, summoned for purposes of taxation only, and the taxes were granted with every profession of enthusiastic loyalty to and confidence in the Crown. The revolutionary Convention which met on the 14th March, 1689, followed precedent as far as possible. There was, of course, no royal letter of summons, but on the third day of their session it was announced that 'one Mr. Craine was at the door and hade a letter from King James to present to the meeting.' He was allowed to enter and to present the letter, and a motion was made that it be read. The Duke of Hamilton, who had been elected President of the Convention, then reminded the members that they had been summoned by some noblemen and gentlemen who had asked the Prince of Orange to undertake the government, and he added that there was also a letter from the Prince of Orange, which, he thought, should be read first. Though William was described as Prince of Orange he was already King of England and his letter was signed William R. After it had been read an act was passed declaring the Convention to be a free and lawful meeting of the Estates, which could not be dissolved 'untill they setle and secure the Protestant Religione, the government lawes and liberties of the Kingdome.' This precaution was taken in case the letter from King James should dissolve the meeting, and thereupon that letter (which did nothing of the kind) was read. It was not entered in the minutes, and no reply was made to it, but on the 19th March an act was passed approving the address to the Prince of Orange which had been made by Scottish noblemen and gentlemen before the Convention was summoned, and on the 23rd a polite answer was sent to the King of England. On the 4th April, King James VII. was declared to have forfeited the right to the Crown, and 'the throne is become Vacant'; a week later a Claim of Right was approved, the throne was offered

to the King and Queen of England, France, and Ireland, and a proclamation of their accession was made the same day. On the 24th Commissioners were nominated 'to attend their Majesties with the offer of the Crown,' and William was asked to convert the Convention into a Parliament. A letter from William accepting the Crown and turning 'you (who are the full Representatives of the Nation) into a Parliament' was received on the 24th of May, and on the 5th June the Parliament was opened by the Duke of Hamilton as Royal Commissioner. On the first day of its meeting an act was passed constituting the Convention a Parliament; it was immediately 'toutched by his Majesties commissioner with the scepter' in token of the royal assent, and when that had been done the Parliament was 'fenced' in the usual manner. On the 17th June the last touch of legality was given to the proceedings by an act recognizing 'their Majestie's Royall Authoritie.' The Convention, as indeed was natural in the circumstances, had avoided anything beyond executive action, and it had shown, except in one important particular, a careful regard to precedent. That exception was the elevation of a mere Convention into a Parliament without any fresh election. No sovereign of Scotland had ever attempted so gross an illegality, and we have seen that, in 1644, the rebellious Convention of Estates deliberately refrained from taking such a step. The preference of the English precedents of 1660 and 1689 to an invariable Scottish custom was, of course, due to the fear of a General Election which might possibly have upset the Revolution Settlement.

On a review of the whole evidence, it seems probable that Conventions originated rather as an enlarged Privy Council than as an informal meeting of the Estates. This view is in keeping with any indications which may lead us to connect the origin of the institution either with changes in the personality of the sovereign or regent or with the action of leagues and bands of nobles in the reign of James III.; but there is much more cogent evidence than any such theories can provide. The word 'convention' was not a technical term; it was constantly employed in the ordinary sense of 'meeting,' and was specially used to describe any meeting to which there was a summons of some sort. The early conventions are always called conventions of the nobility or of the nobility and gentlemen, and as late as 1561 the Convention of that year was variously described in the Privy Council minutes as 'a Convention of the Nobility and Clergy' and as a meeting of 'the Secret Council and others of the

Nobility' (*P.C.R.* i. pp. 194, 201). After the admission of burgesses, the different classes of members were specified, and the first reference to the Estates in connexion with Conventions is in July, 1569, when 'my Lord Regent's Grace, divers of the nobility, and others of the Estates' were convened at Perth (*P.C.R.* ii. p. 1). The first suggestion of the technical term 'Convention of Estates' which I have noticed is a reference in the minutes of the Privy Council in February, 1570, to a 'Convention of Nobility Estates and Barons' (*P.C.R.* xiv. p. 32), and the first actual use of the technical term that I have found is in the protest of the small Convention of April, 1583, that a question of taxation should be referred to a Parliament 'or to a new Convention of Estates' (*A.P.* iii. pp. 328-9). The association of a Convention with the Estates was, therefore, developed in the minority of James VI. Further, the composition of a Convention, before the summons of burgesses in 1566, differed both positively and negatively from that of a meeting of the Estates, for a Convention included lairds but no burgesses, while a Parliament (at that date) included burgesses but no lairds. The tendency of a Convention to become an enlarged meeting of the Secret Council was the natural effect of the early history of the institution. We have, therefore, a distinct and remarkable development, beginning at the end of the reign of Mary, for a Convention ultimately became, in composition and membership, an exact reproduction of a Parliament, from which it differed only in the absence of certain formalities and in the existence of certain limitations on its powers. In the seventeenth century it was with Parliament and not with the Privy Council that contemporary observers connected a Convention. Bishop Burnet defined it accurately enough as 'a Court made up of all the Members of Parliament, but as they are called and sit without the state or formalities used in Parliaments, so their power is to raise money or forces, but they cannot make or repeal Laws' (*Dukes of Hamilton*, p. 233). The change in the character of Conventions from about 1566 may possibly have been suggested by the conventions and assemblies of the Church, which included commissioners from burghs and shires; or it may have been simply the result of a desire on the part of the Government to obtain a tax without summoning a Parliament.

If the history of the country had been less troubled, the system of Conventions might have been a useful aid both to government and to legislation, as a kind of committee of the whole Parliament.

But, like all other Scottish institutions, they tended to be a mere tool of the party in power, and they were summoned simply because it suited the authorities to hold a Convention in preference to a Parliament. James VI., in 1605, in 1608, and in 1609 seems to have valued them in proportion as the attendance was meagre; in 1617 the Convention was numerous enough to vote a tax, but not sufficiently large to give any trouble. It is significant that he summoned a Parliament for June, 1605, which did not meet for business until July, 1606, and that he summoned a Parliament for May, 1608, which did not meet for business till June, 1609. In the first interval, there was one Convention, meeting on the day appointed for the meeting of Parliament, and in the second interval there were two Conventions. It is clear from the answer given him by the informal Convention of 1621 (*cf. supra*, p. 264) that a Convention was regarded in the country as a device for avoiding a Parliament, and Charles I. adopted the same device in 1628-1633. It may have been that their experience in England made James and Charles unduly nervous about summoning Parliaments in Scotland, for it is difficult to believe that they would have met with serious opposition, and James succeeded in bending even General Assemblies to his will. Charles II. also preferred to get money rather from Conventions than from Parliaments; doubtless he had his reasons, though one cannot think that it would have made much difference.

Perhaps the most remarkable feature of the history of Conventions is the strong sense of legality and of precedent which can be traced in their proceedings. We have already illustrated this, but it is worth while calling attention to the fact that Buchanan in his *History* (Bk. xx. c. 8) records a constitutional discussion in 1570 about the right to elect a Regent after Murray's death, some holding that it depended on the documents signed by Queen Mary in 1567, and others insisting that it belongs to a full Convention. As usual, the divergent opinions were determined not by constitutional niceties but by political intrigues, but it is interesting to find that in the turmoil and civil strife of the time, constitutional theories were used even as a pretext.

[I am indebted to Mr. R. Renwick for pointing out that there is an earlier instance of the representation of Glasgow than that given in my article in the January number of the *Scottish Historical Review*. The date is 1546 (*A.P.* ii. p. 471). He also points out

that, by a charter of 1611, Glasgow was declared to a be royal burgh, and that the charter of 1636 is less important in this connexion than I had supposed. The status of Glasgow, like that of St. Andrews and Brechin, in the seventeenth century was certainly irregular, and it does not satisfy all the usual tests of a royal burgh until after the Revolution, when it obtained the power of electing its own magistrates without episcopal ratification of the election. My general argument is not affected by either of these two corrections in dates.]

ROBERT S. RAIT.

Sir Thomas Craig, Feudalist

IT was the fortune of Thomas Craig to lead a life devoted to the study and practice of the Law. His long career was professional in a peculiar sense and bore an imprint which was seldom found in the Scotland of his day or, as a matter of fact, of succeeding generations. The pre-Reformation lawyers were ecclesiastics, whose interest lay in the extension of systems of jurisprudence and legal practice which were cosmopolitan in their origin and aim. During the fifty years which followed the constitutional establishment of the Reformed religion in Scotland a bold effort was made by the leaders of the Reform party to direct legislation and legal administration and to occupy the position which had been held by the ecclesiastical lawyers of the old regime.[1] The ultimate failure of this attempt was due to influences which find expression in the life and character of Thomas Craig. These forces first became articulate in the establishment of the Court of Session in 1533, and the fact that this tribunal was modelled on the *Parlement de Paris* indicates their French origin. But an administrative measure is barren in the absence of men imbued with the tradition and spirit which it is intended to express, and the Court of Session, and with it scientific jurisprudence, only withstood the disintegrating forces of religious reform through the tenacious devotion to French traditions of the practising

[1] The most eloquent expression of this point of view is to be found in François Hotman's *Anti-Tribonian* (*Opuscules Francoises des Hotmans*, Paris 1616), in which the author pours scorn on the claims of Civil Law to represent justice and equity, and urges youths 'quitter le mestier pour s'addonner entierement à l'estude de la religion: qui est un fort belle exemple et miroir pour les jeunes hommes qui aiment et craignent Dieu' (cap. 15). 'Et s'il est besoin de parler du droit civil des Romains,' he writes, 'je diray d'avantage, qu'il ne fut jamais fait ny composé pour servir d'equité et raison naturelle convenable indifferemment à toutes nations, mais seulement par une particuliere prerogative inventée expres pour maintenir les bourgeois Romains, et en plus haut degré et dignité que les autres habitans du pais d'Italie' (cap. 10). Hotman's ideal was the application of local customary law by representatives of the estates of the kingdom, who kept before their eyes religion and natural equity (cap. 17). Cf. *Scottish Historical Review*, ix. 10.

lawyers who had drunk at the wells of Paris, Poitiers and Bourges. The most eminent of these was Thomas Craig.

When Craig crossed to France in 1555, after some years of study at St. Andrews University, he found himself in the high noon of the French legal renaissance. Cujas had recently succeeded Baudouin at Bourges, whence the latter, in the course of one of his periodical religious changes, had fled to join François Hotman at Strassbourg. Cujas, however, was not permitted to reign alone at Bourges, and was engaged in legal controversy with Doneau, a fellow humanist, and Douaren, a brilliant disciple of Alciatus. The last named, along with Budé of Paris and Zasius of Constance,[1] was 'le premier entrepreneur du nouveau menage,' founded on the conviction expressed in the words of Baudouin, 'sine historia caeca est jurisprudentia.'[2] These masters found jurisprudence in the hands of the degenerate Bartolists, who served the ends of the *practicians* and produced commentaries,[3] in which a thin stream of jejune observations wound its way along a dry river-bed bristling with references. They inaugurated a method of legal study which marked a change as revolutionary as that which Descartes effected at a later date in the field of philosophical speculation. They realised that jurisprudence was an historical study, and revived it with the aid of auxiliary sciences. Their historical perspective was not always based on a critical examination of sources in the modern sense, but it was sufficiently

[1] Zasius was the first German jurist of eminence. He spent a long life as professor at Freiburg, and died there in 1535. His learning and elegant Latin style were combined with personal characteristics which distinguished him from his French contemporaries, and were distinctively Teutonic. 'Caeterum ad vitam, quod attinet,' wrote a pupil, 'erat ille honestissimis et amabilissimis moribus praeditus : liberalis, humanus, affabilis, laeti et perquam festivi ingenii, ut qui libentissimi semper jocaretur. Dapsilis erat, et crebro convivabatur, adhibitis plerumque doctis viris, amicis suis, quorum suavissimis confabulationibus animum suum subinde recreabat. Nihil enim minus, quam solitudinem ferre poterat. Cibi atque vini nonnihil erat avidior (unde et crassitiem corporis contraxerat) ut mirari non pauci solerent, quomodo vir istis rebus intemperantior tantos tamen labores lubracionesque (quibus plurimum utebatur) sustinere citra morbum posset.' Cf. Joan. Ficardus, *Vitae recentorium jureconsultorum.* Craig refers to Zasius as 'inter juris Feudalis interpretes doctissimus' (*Jus Feudale*, iii. 5, § 28).

[2] Pasquier, *Recherches de la France*, ix. 39.

[3] Cf. Rabelais' phrases, 'une belle robbe d'or triumphante et precieuse à merveilles, qui feust bordée de merde,' and 'la brodure d'iceulx, c'est assavoir la Glose de Accurse, et tant salle, tant infame et punaise, que ce n'est que ordure et villenie' (bk. i. cap. 5).

clear to free the more active members of the school from subservience to great traditions. Such a subservience is often the first fruits of historical studies. Thus, François Hotman, a doctrinaire republican of the extreme type which is apt to present itself in periods of rapid political change, advocated, in place of the abstractions which might have been expected of him, a *mélange* of civil law, feudal customs and *politique tirée de l'écriture sainte*.[1]

Craig's early studies at St. Andrews had possibly awakened him to the forces which were bringing together the newly recovered past and the insistent future, but it is impossible to overestimate the effect even on his 'douce' Scotch temperament of his entry into the vivid life of sixteenth century France. His limitations saved him from exaggeration, and it is improbable that he came in contact with legal politicians, or, if he did, that he was sufficiently mature to appreciate them. His eighteenth century biographer states that he studied in Paris under Baudouin and Rebuffus, and, while this is chronologically impossible, it indicates that he obtained his legal training under jurists who were unlikely to divert his attention from strictly legal studies. The former obtained a reputation as a religious trimmer, one day a Huguenot, the next a Romanist, interested but essentially moderate; while the latter was principally a Canonist, and is shown by his writings to have belonged to the old school, which had not freed itself from the pseudo-Bartolist tradition. It is impossible to trace Craig's movements during his seven years' residence in France, and it is improbable that he remained throughout the period in Paris, but his after-career demonstrates that the influences which he experienced there were permanent and formative.[2] He received an

[1] Cf. Hotman's phrase, 'un philosophe politique discourant de raison et equité tel que doit estre un jurisconsulte.'

[2] No direct information is available regarding Craig's residence in France. In his *De Unione*, cap. 10 (S.H.S. p. 151), he refers to the relations between Englishmen and Scotsmen, 'ut ipse vidi cum adolescens Lutetiae essem,' and it is probable that he spent some time in Paris, but Tytler's statement (*Life and Writings of Sir Thomas Craig*, Edinburgh 1823, p. 17) that he studied under Rebuffus and Baudouin is based on conjecture. Like most of his countrymen, he probably studied at several universities, particularly in view of the fact that the exposition of Civil Law was prohibited at Paris during his residence in France. In default of direct evidence, recourse must be had to his writings. Among the sixteenth century jurists cited by him, François Hotman receives special attention. In the *Jus Feudale* he is referred to as 'vir doctissimus,' 'juris consultissimus,' 'inter primos nostrae aetatis juris consultos,' and 'vir sane magni judicii,' and Craig subjects his views to detailed criticism. The chronology of Hotman's wandering

imprint which defined him as a man no less than as a jurist. In particular he owed much to the spirit of the French legal practitioners of his age.

The *avocats du parlement* had an important share in the political development of France. Their influence extended over a period of centuries. During their legal studies in Italy the majority of them became imbued with an intellectual enthusiasm for the idea of centralised kingship, which found expression in the legislation of Imperial Rome. The turbulent political life of the Italian city-states seemed to justify their preferences, and further support was given to them when they came into contact with the practical working of the feudal system in France. These lawyers accordingly devoted themselves through generations to the development of a strong centralised power in the sphere of jurisprudence and legal administration. They gained their end at the expense of feudalism, which they undermined by their elaborate development of the laws of succession at the expense of the feudal superior, and by the struggle to separate territorial

life is uncertain, but it is probable that during Craig's residence in France he was in Germany and did not return to France until 1563 (*Thuani Historia sui temporis*, lib. xcix. ed. London 1733, tom. iv. pars 2, p. 895). If Craig studied under this remarkable man, he did so before his extreme democratic views had taken shape. Andrew Melville came in contact with Hotman at Geneva in 1576 (*James Melville's Autobiography* (Wodrow Society), p. 42), and the latter had an unrecognised influence on the leaders of the second phase of the Scottish Reform movement.

Petrus Rebuffus, who died in 1557, is referred to by Craig as 'vir doctissimus et in usu forensi exercitissimus' (*Jus Feudale*, lib. i. 10) and as 'a most acute lawyer' (*Scotland's Soveraignty Asserted*, p. 17). Cf. 'nostre Rebuffe, personnage de grande et singuliere doctrine au fait du Droit.' Pasquier, *Recherches de la France*, ix. 39.

The only other laudatory reference to a contemporary jurist in Craig's writings is to 'vir doctissimus Gulielmus Terrenus, qui commentarios in Constitutiones Normannicos exquisitissimos conscripsit' (*ibid.* ii. 20). This writer may be identified as Guillaume Terrien, the author of *Commentaires du droit civil, tant public que privé, observé au pays et duché de Normandie* (Paris 1574, 1578, and Rouen 1654). Cf. Dupin, *Profession d'avocat* (Paris 1832), ii. 264. Terrien was 'lieutenant-general au bailliage de Dieppe,' and Craig may have met him there.

Craig makes no reference to Baudouin, while he frequently quotes Cujas, Budaeus and Bodin, and Tytler's statement that he studied under him seems to be doubtful, as Badouin left Bourges for Germany in 1555, the year of Craig's arrival in France (Brissaud, *Droit Français*, Paris 1904, i. 351). After Craig's return home Andrew Melville studied at Paris under Baudouin (*James Melville's Diary*, p. 39).

It is apparent that Craig's writings furnish no conclusive evidence as to his teachers in France, and the question remains open.

power from legal jurisdiction, summed up in the maxim, 'Fief et justice n'ont rien de commun.' They aimed at the separation of political sovereignty from the possession of property, and, in the words of an eminent legal historian, succeeded in transforming 'la féodalité dominante' into 'la féodalité contractante.'[1] In its earlier stages this movement was beneficial, and gave national unity to France at the expense of 'une immense perturbation dans les dégres des possessions féodales.'[2] With the growth of the royal power the prestige and influence of the legists increased. They became a special caste, with traditions which gave them almost a sacerdotal character, but they had no defences against their own creation, and as time passed some of them began to realise that in their policy of eliminating the subject superior, in so far as political power was concerned, they had done a disservice to the middle classes in leaving them unprotected in face of a centralised government. Thus we find the democratic jurists of the sixteenth century, in the person of François Hotman, making use of the feudal conceptions, which their class had combated, to resist the growing forces of what they conceived to be royal despotism. But to the contemporaries of the youthful Craig these far-reaching considerations lay hidden in the background, and to his eyes the *Parlements* and the legists who gave them their prestige, presented an alluring spectacle of influential dignity. Their position was not based on exclusively technical qualifications. At no period was the lawyer less of 'a very lawyer' than in the generation of the later French renaissance, which synchronised with Craig's residence in France. The leading practitioners of his time were Christian Stoics and Epicureans, who spent discreet and contented lives in the shelter of legal dignity, finding sufficient reputation in professional excellence, coloured with humanism, and disdaining the political extravagances of their day.[3] They live in the pages of Loisel's master-piece, *Pasquier ou Dialogue des Avocats du Parlement de Paris.*[4]

The speaker is Etienne Pasquier, whose eminence as a lawyer has been overshadowed by his literary genius, though in his time it would have been considered unusual to separate the two fields.

[1] Brissaud, *Droit Français* (Paris 1904), i. 657, 659, 660 and 666.

[2] Barboux, *Les Legistes* (Paris, 1877), 141.

[3] Cf. Delaruelle, *Guillaume Budé*; (Paris 1907) and Zanta, *Renaissance de Stoicisme*; (Paris, 1914).

[4] Dupin, *Profession d'Avocat* (Paris 1832), i. 149.

After a deft sketch of the cultivation of forensic eloquence and the development of legal institutions in France, Pasquier casts his eyes back over the fifty-three years which had elapsed since he joined his Order in 1549, and passes in review the eminent figures which had made their mark in the Palais during the period. With wistful grace he recalls M. Matthieu Chartier, 'l'oracle de la ville, à cause tant de son savoir, experience et long usage, que de sa preud'hommie et integrité de sa vie'; M. Noël Brulart, whose fine career as *procureur général* proved the truth of the maxim, 'le magistrat fait cognoistre l'homme'; Pierre Seguier and Christophle de Thou, whose contrasted styles of pleading were expressed in the words *Multa paucis* and *Pauca multis*; Charles Dumoulin, 'le plus docte de son temps en droict civil et coustumier, et toutesfois malhabile en la fonction d'advocat, principalement au barreau'; Gilles Bourdin, a humanist, 'très-docte en toutes bonnes lettres et sciences'; M. de Pibrac, principal counsellor of Henry II. during his troubled reign in Poland, and friend of de l'Hospital; Leonard Goulas, who could not suffer 'les inepties et importunetez des parties,' and 'les reprehensions que font quelquesfois messieurs les presidens,' and whose practice suffered in consequence; Jacques Mangot, 'le plus accomply personnage en tout ce que l'on pouvoit desirer, qui fust en son aage,' whose style of pleading surpassed that of his rival Canaye in respect that 'il sembloit avoir plus de force, marchant quasi comme à pas de bœuf, et consequemment imprimant plus avant ce qu'il disoit au cœur des escoutans.' There were others who forgot that 'l'estat d'advocat desire son homme tout entier,' and lost their chance of forensic distinction, such as Pierre de Rochefort, who 's'arrestoit plus à son office de bailly de Saint Germain-des-Prés, qu'à son estat d'advocat,' or de Larche, 'lequel s'employait plus au bureau des enfans de la Trinité,' or Thomas Sibilet 'qui s'amusoit plus à la poésie française qu'à la plaidoirie,' or M. N. le Feron, 'qui s'adonna plus à escrire des genealogies et armoiries qu'à son estat d'advocat,' or M. Louis Aleaume, who had the makings of a great advocate, but 'estoit homme de livres et de liberté se contentant de son bien, et de la place de substitut au parquet de messieurs les gens du roy,' or M. Roul Parent, who left the bar, 's'estant mis si avant dans la devotion, qu'il estudioit plus en theologie, qu'il ne s'employoit aux affaires du palais,' or Chauveau, 'qui n'eut pas esté mauvais advocat, encores que tout petit qu'il estoit, il eust une voix de prescheur, comme il le devint bien tost apres.' Others, again, became court officials,

and remained such, having failed to realise that an official position can only be a stepping-stone or a cul-de-sac, and that 'le Parquet trompoit son maistre.' Such are some of the instances cited by Loisel of those who failed to accept the tradition of the French bar and confine themselves to the straight road which led to professional eminence. At first sight the career of 'simple advocat' may appear narrow and barren, but the consciousness and exercise of increasing capacity brought its own reward in independence and reputation. 'Les grands advocats s'advancent assez d'eux-mesmes,' and as the trusted counsellors of royalty and nobility they exercised an influence which no official position could have given them. Such was M. François de Montelon. 'Il avoit acquis,' wrote Loisel, 'une telle reputation de probité, qu'on le croyoit sur ce qu'il disoit, non comme advocat, mais comme s'il eut esté rapporteur d'un procez, sans lui faire lire aucune pièce, Aussi estoit-il un tres-homme de bien, vivant honorablement, sans avarice, ny ambition, venerable, et craignant Dieu.' A strong tincture of letters serves to embellish the pleadings of the advocate formed on this model.[1] It is permitted to him to adorn his pleadings with Greek or Latin 'comme en passant,' provided the quotations be 'si à propos et si significatif, qu'il ne se puisse si bien exprimer en françois et que ce soit sobrement, et sans en faire monstre ny parade.'[2] Having founded 'une belle maison' and trained sons to carry on his tradition,[3] this 'grand homme de palais' was free to retire 'en une sienne maison des champs pour y vivre et mourir en repos ; qui à esté une belle resolution et closture de sa vie.' Pasquier summed up the spirit of this life in a letter to his son : 'Tout l'artifice que j'entends ici vous

[1] A typical instance of the cultivated tastes of these eminent practitioners is afforded in the possession by Pierre Pithou of a collection of precious MSS., including Petrarque's MS. copy of Cicero's works. Cf. Pierre de Nolhac, *Petrarque et l'Humanism* (Paris 1907), i. 227 *n.* The ridicule and contempt which his contemporaries poured on Pierre Lizet, who unworthily filled the office of First President of the Parlement de Paris from 1529 to 1550, emphasised the fact that he was an isolated exception to the high standard of conduct and learning which his professional brethren maintained. Cf. Christie, *Etienne Dolet* (London 1899), p. 422 *et sqq.*

[2] The use of Latin on the bench was prohibited by Francis I. in 1539 in consequence, it is said, of Lizet's ludicrous display of dog Latin. Cf. Christie, *op. cit.* p. 424.

[3] 'Quant à moi, la loi me plait infiniment que l'on dit avoir été observée tant en Egypte que Sparte, esquels lieux il y avait certaines vocations qui se transmettaient successivement de père à fils' (Etienne Pasquier, *Les Lettres*, ix. 6, 'A Théodore Pasquier, son fils').

donner est de n'user point d'artifice ; je veux que vous soyez prud'homme : quand je dis ce mot, je dis tout. . . .[1]

The manner of life of these great practitioners was contained, measured and self-conscious. In more than the occupation of their offices they carried on the tradition of the secularised clerics who had managed legal business in earlier days. They imposed upon themselves regulations and restrictions in conduct which were involuntary in the case of an ecclesiastic, but their point of view was secular and professional. They looked forward to a dignified old age with their books, when their sons were ready to carry on the family tradition, and they retired to a country house, just as eminent ecclesiastics, after a lifetime spent in affairs, were wont to retire to the dignified ease of a provincial bishopric.[2]

In the absence of definite information regarding the early life of Thomas Craig, it may appear an error to lay so much stress upon the characteristics of the French jurists and practitioners of his youth, but justification is found when we turn to his later life and his writings. His long professional career was carefully modelled on the French pattern, and his writings can only be judged as the work of a disciple of the great jurists of the French renaissance. These two influences, the grave humanism of the French jurists and the bourgeois wisdom of the *noblesse de la robe*, were sufficiently strong to limit the effect of the close personal relation which bound Craig to his paternal uncle for a period after his return to Scotland. To the latter was entrusted the completion of the lad's education, which in 1561 meant in effect the assimilation of the atmosphere of the Scottish Reformation. Craig was fortunate in being initiated into this new world by a cosmopolitan whose prestige must have been sufficient to impress his pupil. John Craig, the uncle in question, was an ex-Dominican friar, who had spent much of his life on the Continent and, carried

[1] *Ibid.* In a letter to messire Achille de Harlay (*ibid.* xxii. 9) Pasquier gives a pleasant picture of his retirement in the country : 'Encore que je sois un autre chatreux dedans ma maison.... J'ai d'un coté mes livres, ma plume et mes pensées ; d'un autre, un bon feu, tel qui pouvait souhaiter Martial, quand entre les félicités humaines il y mettrait ces deux mots : *focus perennis*. Ainsi me dorlotant de corps et d'esprit, je fais de mon étude une étuve, et de mon étuve une étude ; et en l'un et l'autre sujet je donne ordre qu'il n'y ait aucune fumée ; au demeurant, étude de telle façon composée, que je ne m'asservis aux livres, ains les livres à moi.'

[2] *E.g.* 'Premierement grand Docteur au fait des loix, puis Doyen en l'Eglise de Paris, en apres Evesque d'Auxerre qui mourut l'an 1300.' Pasquier, *Recherches*, ix. 37.

away by the doctrinaire enthusiasm of Calvin, had fallen into the hands of the Roman inquisition. He escaped by a stroke of fortune, and was destined to form one of the band of regular clergy which gave intellectual force and organisation to the Scottish Reformed Church.[1] Had Craig fallen into other hands he might have been either repelled like William Barclay or carried off his feet and converted into a fanatic of the type of François Hotman. The sanity and theological acumen of John Craig appealed to him sufficiently to make him define himself as a Protestant lawyer but lightly encumbered with theological baggage. During his long life he played a part in the Church Courts, but his part was always that of a lawyer, primarily interested in the Church as an institution. Looking at things from this point of view, he appears to have been disturbed by the chaos to which the ecclesiastical law of Scotland had been reduced by the secularisation of Church property and the subsequent Reformation legislation. Thus, in dealing with chapters and ecclesiastical benefices he writes, 'apud nos hodie nihil fere est, quod fieri non potest' (*Jus Feudale*, i. 13), and this note of impatience is frequently struck.[2]

Craig's long professional career commenced in 1563, when he was admitted advocate, and lasted until his death in 1608. A year after he was called to the Bar he was appointed Justice-Depute, and filled the office for nine years. In 1573 he became Sheriff-Depute of Edinburgh, and in 1592 counsel for the King. On the Union of the Crowns he went to England with the King, and was knighted against his will. After acting as one of the

[1] The best account of John Craig is to be found in Law's *Collected Essays and Reviews* (Edinburgh 1904), 277.

[2] Craig did not hesitate to criticise the Reformed clergy, whose semi-secular position offered a contrast to the complete withdrawal from ordinary life of the monastic ideal. Thus, with reference to the canonical incapacity of clergy to succeed to heritage, he observes: 'Cum moribus nostris hodie Clericatus successioni non obstet.... Nos nullis aliis hodie Clericis utimur, quam ministris verbi Dei; quos ego, si hereditas obtigerit, revocandos a publico verbi ministerio ad administrationem suarum terrarum non putarem; nam qui hodie dominium de Fowlis; et Cruciferi occupat, antea ministerium verbi sequabatur; ut illud dominium hereditatie ei obvenit, a ministerio cessavit' (*Jus Feudale*, ii. 18, § 22).

On the other hand, Craig had little respect for the regular clergy. His criticism of them was based on intellectual and moral grounds. He had a typical Protestant contempt for their cloistered lives and ignorance of affairs, and had no faith in monastic historians (*Scotland's Soveraignty*, London 1695, pp. 46 and 134). His criticism of the Friars Minor is that they took advantage of their prestige to defraud the widows and orphans of those who fell at Flodden and Pinkie (*Jus Feudale*, i. 13, § 12). His view of his own times is expressed in his phrase, 'nos hodie nihil pudendum pudet' (*Jus Feudale*, ii. 3, § 12).

Union Commissioners he returned to Scotland, and died shortly after receiving the appointment of Advocate of the Church. All through these forty-five years Craig remained a practising advocate, and appeared before his son Lewis, who was raised to the Bench in 1604. In these days judicial preferment was almost invariably the reward of political services, and Craig's deliberate temperament was combined with a certain impatience of detail and interest in political and legal theory which disqualified him for complete success as a pleader, and for the dirty work of political intrigue. From time to time he produced respectable Latin verse,[1] but it required the spur of the great change which the year 1603 brought to Scotland to induce him to write his *Jus Feudale* and his posthumous works *On the Union of the Crowns* and on England's claim to homage from Scotland. He married a niece of George Buchanan, but he always remained a moderate Protestant, and only succeeded in converting his aged father when the latter was on his death-bed, *in lecto aegritudinis*. His appointment to the highest office which the Church of Scotland can bestow upon a layman was a tribute to his professional eminence and no evidence of ecclesiastical partizanship. His keen devotion to the cause of Royalty must have been offended by the humiliating position in which King James was kept by the Church and its lay supporters. He lived and died a 'simple avocat' and his intervention in politics had the dignity and force which marked the production by the French jurists of the *Satyre Menippé* in the days of the League. His fame was posthumous, and his reputation never passed beyond the limits of the learned world of Continental jurists. The literary activity of his old age was probably induced by external events, and the death of Queen Elizabeth focussed and made articulate the accumulated experience of a long life.[2] Had he died ten years earlier he would have taken an obscure place by the side of his friends, William Oliphant and Alexander King, 'two good practical lawyers,' whose names he has preserved from oblivion.[3]

[1] *Delitiae Poetarum Scotorum*, i. 221.

[2] Craig's avowed purpose in writing his *Jus Feudale* was to define the Law of Scotland in view of the approaching Union of the Crowns, but the consideration of this aspect of his work must be deferred to a future article.

[3] Cf. *Jus Feudale*, ii. 16, § 19, 'advocatos juris patrii peritissimos'; Stair, iii. 5, § 10; and Riddell's *Peerage and Consistorial Law*, ii. 840 *n*. Robert Johnston in his *Historia Rerum Britannicarum* (1655), p. 231, narrates an interesting anecdote of Alexander King.

It is apparent to every student of Craig's writings that his professional life was to him absorbing and satisfying. The portrait which appears in Baillie's edition of his *Jus Feudale* shows a 'douce' and alert face, with rounded chin and lips on which a smile seems to hover, and the observations and personal reminiscences which are scattered through his treatises reveal his keen appreciation of the rich banquet of personal experience which was offered to him. He brought a well-trained legal mind, with its aptitudes and corresponding limitations, to bear on Scottish life in its most formative period. His colleagues in the Court of Session included men of the most diverse cast. Thus, if we confine ourselves to those to whom he refers, we are faced with legal politicians like John Bellenden, James Elphinstone[1] and James Macgill,[2] who were deeply involved in the plots and intrigues of their day; with distinguished lawyers like William Oliphant,[3] who developed political interests late in life; with David Macgill[4] and Thomas Maclellan,[5] who were eminent practitioners; and with John Sharp,[6] a fellow student and life-long associate. In the midst of these he lived and moved and had his being, taking a part with them in court and in private debates in the formation and definition of the law of Scotland out of the amorphous deposit of custom and abstract theory which their training and professional experience presented to them. His zeal for the solution of open legal problems by a judgment of the Court was too often disappointed by a compromise between the parties to a case. When he came to write his *Jus Feudale*, his treatment of many 'nobiles quaestiones' concluded with the complaint, 'Sane quid Senatus in hac re statuerit, incertus adhuc sum' because 'cum multis argumentis in utramque partem contenderetur, tandem transactione res finita

[1] 'Dominus Jacobus Elphinstoun Secretarius et nunc Senatus princeps dignissimus (*Jus Feudale*, ii. 7, § 23).

[2] 'Vir in usu forensi maximum' (*Jus Feudale*, ii. 6, § 29).

[3] 'Vir acutissimus et juris patrii peritissimus' (*Jus Feudale*, ii. 19, § 17).

[4] 'Vir sane magnus, inter advocatos tum primus' (*Jus Feudale*, iii. 1, § 18). James Melville, who had no sympathy with the type of mind represented by David Macgill, describes him as 'a man of als grait, solide, and naturall a wit as in our tyme, excelling thairin all his colleages of the Session and lawers, bot without all sense of God, and with a prydfule disdean and contempt of the ministerie' (*Diary*, ed. 1842, p. 135).

[5] 'Vir magnus, inter primos advocatos in Senatu nobili et rerum nostrarum peritissimus' (*Jus Feudale*, iii. 5, § 9).

[6] 'Vir doctissimus et in jure nostra exercitatissimus' (*Jus Feudale*, ii. 2, § 24).

est.'[1] Even when the *Senatus* had given a decision he was not prepared to accept it without demur if it did not seem to him based on sound legal principle, and he indulged at times in respectful criticism.[2] It is interesting to find him in one passage voicing the complaint which has often been made against the Court of Session since, that the minds of the judges are prejudiced in favour of the Treasury.[3] His free criticism of ecclesiastical administration and the Reformed clergy has already been noted, but his enthusiasm for an ideal feudalism, to which reference will be made later, led him to even more daring flights in his criticism of the passage of large estates into the possession of women. As a man of affairs and a theoretical jurist, Craig was a strong anti-feminist, and some justification for his attitude may be found in the unpleasing rôle which some ladies of rank play in the Public Records and State Papers of sixteenth century Scotland.

The position of women first comes before Craig in connection with entails, which are open to possible objection as depriving women of the right of succession. He is so far in sympathy with the spirit of his time as to seek for guidance in the Old Testament, but he expresses the view that the laws of succession which may be deduced from the scriptures are not 'ad necessitatem trahendae.'[4] and that each *respublica* may have its own rules on the subject. The origin of the unreasonable legal privileges which women have received can be traced, he writes, to the weak subservience of Justinian to his wife, Theodora, which induced him to inaugurate legislation in favour of women. It is right, Craig maintains, that the superior should be protected by his claim to *Maritagio* from the consequences of unsuitable marriages entered into by vassals 'cum vassallorum animi plerumque ex conjugum arbitrio non solum pendeant, sed etiam pervertantur.'[5] When Craig deals with provisions in favour of widows, and the manner

[1] *Jus Feudale*, ii. 14, § 10; cf. *ibid.* iii. 6, § 3. Cujas discusses the nature of a *transactio* in his *Paratitla in librum* ii. *Codicis Justiniani*, i. 4.

[2] *E.g.* 'Id qua ratione Senatus fecerit, aliis judicandum relinquo' (*ibid.* ii. 6, § 13), (*ibid.* ii. 7, § 12), (*ibid.* ii. 16, § 14), (*ibid.* iii. 2, § 29), (*ibid.* iii. 2, § 7). In the question dealt with in this passage Craig approved of the view adopted by the Commissaries, 'viri sane graves,' who were at issue with the *Senatus*. He appears to have had considerable respect for the Commissaries, whom he describes in another place as 'viri acuti' (*ibid.* ii. 18, § 19), cf. also *ibid.* iii 2, § 7.

[3] 'Nescio tamen quomodo, inclinatis in fisci causam animis, judicium illud terminatum est' (*ibid.* iii. 6, § 15).

[4] *Jus Feudale*, ii. 16, § 10. *Ibid.* ii. 21, § 3.

in which heirs were unduly burdened in this respect, he protests, 'Et hic evenit quod sapientissimus Cato censorius futurum praedixerit, si impotente sexui frena permittantur; nam quamprimum pares uxores viris essent, mox etiam superiores evasuras. Sed querimoniis hic non est locus.'[1] A lighter note is struck when he deals with the protection of the female relatives of a feudal superior from the seductions of presumptuous vassals. 'Idem,' he writes, 'si turpes et impudicos sermones injecerit, praecipue si sollicitatio et attractatio accedant. Plerique de osculo dubitant, prope illud:

> Oscula qui sumpsit, si non et caetera sumpsit;
> Haec quoque, quae sumpsit, perdere dignus erat.

Sed hoc ex more regionis aestimatur.'[2]

The interest of Craig's half-playful criticisms of women is to be found in their theoretical grounds. He regarded them from the same point of view from which he regarded the Church of Rome, as an element or factor which tended to disturb the complete absorption of property in a 'high and dry' feudal system. Lord Hales[3] has demonstrated that, from the earliest period of which records remain, Scottish legal practice dealt very liberally with women as holders of property, and their legal position improved as the sixteenth century ran its course. This improvement was due to a variety of causes, among which may be mentioned the prestige which women gained generally through the political importance of the Queens of England, France and Scotland, the close relations between the Reformed ministers and their female supporters in Scotland, and the predominance which women had gained in consequence of the heavy toll which the wars with England had taken of the propertied classes in Scotland. Had Craig's point of view been strictly historical and humanist in the juristic sense of the term, he would probably have been content to take things as he found them, and give to women the position in his map of Scottish jurisprudence which facts seemed to warrant, but his historical sense was blunted by his doctrinaire enthusiasm for an abstract feudal system or ideal. While, however, the grounds on which he proceeded were theoretical, the

[1] *Jus Feudale*, ii. 22, § 8.

[2] *Ibid.* iii. 5, § 26. Cf. *ibid.* ii. 20, § 4, where Craig observes that the guardianship of women is shorter than that of men 'non tam quod difficilius custodiantur, ut vulgus sentit,' but because they are sooner fit for marriage.

[3] *Tracts.*

material which he sought to mould was homely and concrete, and he was too astute to attempt to encounter the growing power of women by reference to his long vanished ideal of a legal system based on personal military service. As has been noted, feudalism had become contractual, and to meet a contractual predominance of women based on the anxiety of fathers to provide for their daughters by marriage settlements, he urged the claims of entails to be accepted as in full conformity with the *ratio feudalis*. Descending into the arena, he opposed to the marriage settlement, by which an astute parent defrauds his daughter's suitor's heir-at-law for her benefit, the deed of entail by which the succession to an estate is generally preserved in the male line by a quasi-contract with the superior. The latter contract seemed to him more consonant with his ideal feudalism, and he adopted it rather than theoretical arguments which would meet with no response. In other words, he preferred an entail, by which a superior and vassal fixed an order of succession, to matrimonial provisions, which too often reflected the generosity of a love-sick youth.[1]

It was probably owing to Craig's absorption in an abstract feudal view of human relations that he turned with contempt from the social distinctions which the growing burgher class were attempting to define.[2] In his pages an attentive reader can observe the feudal system striving to maintain itself in a world in which land law was ceasing to be supreme, in which superior and vassal were leading separate lives, and not working and living together in the development of common interests. Heritable property had become a commercial asset, and a vassal had perhaps several superiors and complicated legal relationships. Thus a vassal might find it more profitable to relinquish heritable property than to retain it and subject himself to feudal exactions which the development of economic life had made arbitrary and without justification.[3]

Throughout this critical period the recently-founded Court of

[1] Montesquieu, *Esprit des Lois*, xxxi. 34.

[2] Cf. *Jus Feudale*, ii. 21, § 25 : 'Sed de burgensibus inter se rara quaestio est, cum nihil pro custodia et servitiis teneant, nihilque debeant; itaque supervacuum est de eorum aut inter se, aut si cum rusticis conferantur, dignitate disputare : fieri tamen potest, ut hi feudum etiam militare, sed ignobile teneant.' The territorial adventures of the modern soft-goods magnate would undoubtedly have caused Craig considerable perplexity.

[3] *Jus Feudale*, iii. 1, § 9.

Session played an interesting part. From one point of view the function of the Senatus in the enforcement of Feudal Law resembled that of the Praetorian Prefect when he had to apply the limited jurisprudence of the Roman city state to new conditions. The 'equity' which the Senatus applied was Civil Law, which seemed to define and temper the vague and far-reaching obligations of a feudal vassal based on custom.[1] Thus we can trace in Craig's treatise an attempt to graft on the amorphous mass of feudal customs subtle refinements regarding the quality of possession and its various degrees taken bodily from Civil Law. This procedure undoubtedly strengthened and made articulate many relationships which Scottish practice had left indefinite. The law of Scotland prior to the sixteenth century is difficult to define.[2] When the redaction of French customary law took place in the sixteenth century the material available was varied and abundant, and a system could be formulated within the limits of this material, but in Scotland the position was different. There was a meagre deposit on which to base a system, for the *Regiam Majestatem* was suspect.[3] It is conceivable that the *Senatus* might have formulated a local customary law had it confined itself to local customs, but it was too late in the field, and was controlled by jurists with a Continental training. In the sixteenth century Scotland was in the position of the French *pays de coutumes* two centuries earlier, and her jurists resorted to Roman Law as 'une sorte de logique universelle appliquée au droit.'[4]

This application of Roman Law by the Senatus was primarily directed to defining the obligations of the vassal, but it had another aspect. The definition cut both ways, and undoubtedly increased the rights of the superior and revived and assisted the enforcement of many claims which might otherwise have fallen

[1] *Jus Feudale*, iii. 6, § 9.

[2] In one passage Craig defines the *jus antiquum* of Scotland as 'libri Regiae Majestates, de Judicibus, Quoniam attachiamenta, Leges Burgorum et Forestarum' (*ibid.* ii. 6, § 25).

[3] Cf. *Jus Feudale*, ii. 6, § 25 : 'Ego sane illum librum Reg. Majest. a nostris hominibus scriptum fuisse, vix possum induci ut credam : Anglorum enim leges et mores potius sapit ex omni parte quam nostros . . .'

[4] The relation between Civil Law and Customary Law in France was never finally determined. On the one hand, Guy Coquille observed, 'Le droit civil romain n'est pas notre droit commun et n'a force de loi en France, mais doit être allégué seulement comme la raison.' On the other hand, Pierre Lizet accepted 'le droit romain pour notre droit commun et y accommodait autant qu'il pouvait notre droit français' (Brissaud, *op. cit.* i. 152).

into desuetude. The contemporary legislation of the Estates also yields evidence of the increasing power of the feudal superior consequent on the conversion of customary claims into legal rights enforceable in a Court of Law. The gradual elimination of ecclesiastical lawyers from the *Senatus*, which marked the latter half of the sixteenth century, left the tribunal in the hands of 'bonnet lairds,' with a legal training whose sympathies were with the landed interest. The substitution of a legal tribunal for the old feudal domestic court had its disadvantages from the point of view of the vassal.[1]

The modern reader of Craig's juristic writings is tempted to dwell on their historical, economic and political sides to the neglect of their strictly legal import, but the temptation must be resisted. Reference has been made to the transformation which can be traced in his pages of heritable property from the badge of an intimate personal relationship into a commercial asset, and much might be written on the rôle which the heritable creditor played in giving the innominate relations between superior and vassal a contractual character. But some observations may be ventured on the political aspect of Craig's writings.

In his treatment of political questions, as in every other branch of his work, Craig's indebtedness to French influences is apparent. His political views are based on an interesting *mélange* of the theories of Bodin and a political interpretation of the feudal system. The great French publicist is frequently quoted by Craig, but it is difficult to conceive that the trend of his views was appreciated by the exclusively legal mind of the Scottish lawyer, and all that one gets in Craig's writings is an effort to engraft on a feudal over-lord the attributes of Bodin's centralised monarchy. The penetrating political analysis which is to be found in the *Vindiciae contra tyrannos* and Buchanan's *De jure regni*, and in the French and Scottish polemical treatises which these works evoked, is absent from Craig's pages.[2]

[1] This consideration appears, *e.g.* in Craig's treatment of the doctrine of Non-Entry which had to be enforced by a declaratory action before the *Senatus* (*Jus Feudale*, ii. 19, § 20 *et sqq.*), and in his discussion of Adjudications (*ibid.* iii. 2, § 20). When he deals with *Recognitio* he writes, 'Haec fortasse prolixius; sed cum hae recognitiones quae nihil aliud sunt quam retractationes (. . .) apud nos hodie sunt frequentissimae, nec rationem aut ullum aequitates fundamentum habere a plerisque putentur, et propterea inter causas odiosos vulgo numerentur. . . .' (*ibid.* iii. 3, § 10).

[2] Craig's political views are sufficiently defined in the description which Brissaud gives of an earlier phase of the disintegration of feudalism in France. 'Le

The foundation of Craig's political philosophy is to be found in the words of the Psalmist, 'The heaven, even the heavens, are the Lord's; but the earth hath he given to the children of men.' *Imo*, he writes, *si rem omnem ea qua decet Christianos reverentia, eaque mentis integritate et acumine, id est, nude et simpliciter, expendere velimus, haec imperia et regna gravissima pura et recta feuda sunt et cum definitione feudi quam praemisimus aptissime conveniunt.*[1] These supreme *feuda* are granted by the divine superior on the condition of just administration and in consideration of *fides seu fidelitas*. They imply *servitia*, which are '*pura et honesta: denique vere militaria; nempe, ut sub signis Filii sui unigeniti, contra humani generis hostes dimicemus . . .*' The only ground upon which such *feuda* may be lost is '*infidelitas et in Dominum ingratitudo.*' In his definition of Kingship he follows closely on Bodin: '*In usu nostro sub Regis nomine quilibet comprehenditur, qui superiorem non agnoscit, unde vulgatum illud, Quilibet Rex in suo regno Imperator est.*'[2] But this sweeping definition is modified by a number of references to the *Lex Regia*,[3] a political conception which was made use of by the Republican theorists and subsequently by the Jesuit pamphleteers of the sixteenth century. The King is not entirely free from responsibility to his subjects; he has duties to them as well as to God. '*Certum enim est dominos etiam vassallis suis obligari, quoque antiquior est dominus, eo magis obligatur et tenetur: nam et Rex in multis subditis suis obligatur, quod populum sibi a Deo commissum, secundum Divini verbi mandata, legesque regni Dei verbo non adversantes, regat et gubernet; a subditis vim, injuriam et omne genus oppressionis propulset; judicia sine corruptione*

seigneur fut le propriétaire unique ou tendit a le devenir; sa propriété se doubla de droits politiques, et il y eut un tel enchevêtrement entre les attributs de la propriété et ceux de la souveraineté qu'on les distingua mal et qu'on les traita souvent de meme façon; ainsi la justice conçue comme une dépendence du domaine se transmet, se vend, s'echange, se partage, s'infœde' (Brissaud, *op. cit.* i. 659). 'Le vassal ne dépend que de son seigneur; il n'est pas l'homme du suzerain; celui-ci ne peut l'atteindre, en principe, que par l'intermédiaire de son seigneur, mais il y a une forte tendence à l'immediatisation' (*ibid.* i. 659).

[1] *Jus Feudale*, i. 12, § 1.

[2] *Ibid.* i. 12, § 5. Cf. *ibid.* § 6: 'Plura de hac materia qui cupit legat Bodinum in sua repub.' Cf. also *ibid.* i. 6, § 32.

[3] *E.g.* 'Magistratuum creatio lege Regia in Imperatorem translata est' (*Jus Feudale*, i. 16, § 35), and with reference to the fisc Craig writes, 'Nam lege Regia, constituto Principe, ad decorem majestatemque ejus conservandam, a S.P.Q.R. pecunia etiam publica decreta fuit' (*ibid.* i. 16, § 46).

exerceri curabit; quod unumquemque in suo ordine et dignitate se habiturum jurabit.[1]

Craig's primary tendency was to identify political sovereignty with feudal superiority, and the political observations which are to be found in his juristic writings invariably take the form of an application of a feudal rule to facts which have primarily a political significance. Thus he inquires whether a king can adopt a son to rule along with him, and finds the answer in the *natura feudorum*, which is opposed to the division of jurisdiction to the prejudice of vassals.[2] The tendency led him into difficulties when he found it necessary to refer from time to time to the claims of James VI. to the English Crown. He discusses, *e.g.*, the lawfulness of holding a *feudum* in alien territory, and in view of the King's expectations has to express the view that feudal regulations are purely domestic, and that the question of the English succession must be ruled by natural equity and the law of nations, '*nam certum est aliud jus esse in regno, aliud in feudo.*'[3] Again, when the same important national interest looms behind his treatment of the question of the acquisition of *feuda* by *testamentum*, he observes that the right of testamentary alienation is contrary to the *ratio feudalis*, but, he has to add in view of his former *dictum*, *regna* are not *feuda*. He can only evade the admission of Elizabeth's full power of testamentary disposal by adding, '*At neque regna omnino a feudorum nomine excludi possunt, quorum omnium Deus Opt. Max. directus est dominus, de quo Reges regna sua tenent, et ad servitia eidem domino suo servanda et praestanda tenentur.*'[4] Other instances of the difficulties into which Craig was led by his attempt to apply feudal law to the modern state are found in his treatment of forfeitures and the conflicting claims of the King and the fisc[5] and in his discussion of Barratry.[6] They are all based on his identifica-

[1] *Jus Feudale*, ii. 12, § 33. [2] *Ibid.* i. 12, § 26. [3] *Ibid.* i. 14, § 8.

[4] *Jus Feudale*, ii. 1, § 16. In the argument which follows Craig maintains that a Parliamentary enactment is not effective to alter the line of succession which is based on *jus naturale*, *jus gentium*, and *jus Divinum* (*ibid.* § 20).

[5] *Ibid.* iii. 6, § 8. The following passages from the *Vindiciae contra Tyrannos* indicate that the question involved was receiving attention from political theorists. 'Propterea vero quaecunque Rex aut bello acquiret aut cum finitima occupat jure belli, aut jure dicundo, ut quae in fiscum rediguntur, acquiret ipse Regno, non sibi.' 'An vero patrimonii regii, publici, inquam, dominii proprietarius dominus est? Nolandum hoc primum, aliud esse fisci, aliud principis patrimonium.'

[6] 'An haec poena Regi applicatur, an dominus feudi, incertum est. Quod ad me attinet, non puto poenam barratriae domino feudi competere, sed tantum Regi, quia in Regem, tanquam patriae patrem peccatur' (*ibid.* iii. 5, § 15).

tion of jurisdiction and feudal superiority.[1] The *magistratuum creatio* is one of the *Regalia*, and can be granted to vassals by the King.[2] Thus he has to admit a distinction between the relations to the King of the holders of *feuda legia* and the vassals of subject superiors, and can only regularise the position of the latter by the introduction of political sovereignty in the modern sense of the term.[3] The effect of the delegation of jurisdiction to subject superiors is to confine the direct action of the ruler to his immediate vassals. From this abstract and antiquarian point of view Craig deals with the question of the mutual obligations of superior and vassal, but though in the course of his discussion he rises to the level of public law, his treatment remains obsolete. Commencing with a reference to the *Libri feudorum* he notes the treatment which the question received in the Civil Law, and refers to the trenchant polemic of François Hotman. What constitutes a *justum bellum*? The primary duty of the vassal, by which term he includes subject, is obedience, and the task of weighing conflicting claims is not imposed on him. A *justum bellum* is *quod a Principe, pro defensione religionis, patriae, propriae personae, aut pro repetitione rerum suarum, aut damni illati reparatione suscipitur, praeeunte semper denunciatione.* Some hold, he adds, that the vassal is not bound *contra patriam*, but this view is unsound, *nam vassallus legius omnia bona sua et personam domini jurisdictioni subjacit, et proinde in quaestione patriae non est vassalli cognitio.* It is clear that the archaic feudal terminology which Craig imposed upon himself forced him to pass over the most keenly debated ground of the political speculation of his day in an abstract and summary manner.[4]

In the field of political speculation Craig presents himself as a

[1] 'Haec itaque feuda postquam hereditaria, esse coeperunt, ut disci, semper annexam jurisdictionem, tanquam sui feudi comitem, habebant; quae quidem jurisdictio, simul cum ipso feudo, ad heredes transibat' (*Jus Feudale*, iii. 7, § 3); and 'In feudis tamen hoc proprium est, ut semper concomitantem habeant jurisdictionem' (*ibid.* iii. 7, § 8).

[2] 'Barones autem, ut et burgi et ipsi magistratus suos creant; nam imperium merum, id est, gladii potestatem, et mistum habent sibi commissum' (*ibid.* i. 16, § 35).

[3] *Ibid.* i. 12, § 21.

[4] *Jus Feudale*, ii. 11, § 13-17. Cf. 'At si quid mihi deferatur, non minus putarem in his rebellionibus, quae ex causa publica procedunt, eschetam quam vocant bonorum moventium ad Regem pertinere, quam in forisfacturis, ubi praesentatio feudi, quod reus ab alio domino tenuit, non ad dominum suum, sed ad Regem devolvitur, ut habeat suae injuriae solatium' (*ibid.* iii. 6, § 8).

sharply defined feudalist, and offers a striking contrast to the doctrinaire Republicanism of the Classical revival expressed in the *Vindiciae contra tyrannos* and the *De jure regni* of Buchanan, and to the historical democracy of François Hotman. As a jurist his position is more complicated. While his political point of view is blunt and abstract, his range as a jurist is wide and exhaustive, and in his treatment of the legal heritage of his day it is possible to define the following elements:

1. Ratio feudalis.
2. Libri feudorum.
3. Local feudal usages.
4. The work of commentators on Feudal Law.
5. Civil Law.
6. Canon Law.
7. The influence of the Court of Session.
8. Scottish legislation.

His *Jus Feudale* is, indeed, a *pastiche* in which the foregoing elements blend. It is a difficult task to claim originality for a legal treatise, and even a modest acquaintance with the voluminous writings of the feudalists tends to convince the student that much of their time was spent in taking in one another's washing. Further, Craig's views on important topics varied, and his writings contain inconsistent statements regarding such subjects as the authority of the Civil Law in Scotland and the value of the *Regiam Majestatem*. Subject to these important reservations, the following observations are suggested by an examination of his *Jus Feudale*.

I. In the course of his treatise Craig frequently refers to the *ratio feudalis*.[1] In a somewhat similar sense he uses the terms, *communis feudi natura*,[2] *jus commune feudorum*,[3] *lex naturalis feudi*,[4]

[1] 'Licet domino superiori immediato praestitur juramentum, tamen semper antiquioris domini et mediati persona, et patria, quae communia omnium est domina, excipiuntur: et licet non exprimantur, aut specialis de eis mentio fiat, non minus tamen subintelleguntur; adeo ut vassallus domino suo, contra mediatum superiorem, aut patriam, consilio aut auxilio adesse non teneatur: et praecipue domini legii persona semper excipienda, cujus prima ratio semper habenda; non tantum quia pater patriae est, sed etiam ex ratione feudali, quod omnia feuda et beneficia ab eo proficiscantur, et ex eo teneantur' (*Jus Feudale*, ii. 12, § 21); '... neque minus esse juris Feudalis censendum, quod ex ratione juris Feudalis pendet, quam si in ipsa textu contineretur' (*ibid.* ii. 19, § 1); '... nam priora haec, ratione juris communis feudorum, et ex ejus dispositione procedunt' (*ibid.* iii. 1, § 12). Cf. *ibid.* ii. 17, § 12.

[2] *Ibid.* ii. 3, § 28, and ii. 4, § 22. [3] *Ibid.* i. 2, § 30. [4] *Ibid.* ii. 17, § 12.

naturalis omnibus inhaerens feudis qualitas,[1] *ipsius juris Feudalis principia et fundamenta*,[2] and *mens et sensus juris Feudalis*.[3] On examination it will be found that Craig has recourse to the abstraction indicated by these terms when he is faced with a point of feudal law which he finds it difficult to reconcile with the more advanced opinion of his times. The *ratio feudalis* is appealed to by Craig as having an apologetic value. Thus, to take a matter which has already been referred to, he appeals to the *ratio feudalis* when he has to reconcile the feudal relationship with the political ideas of the sixteenth century, and the other synonyms enable him to defend such unpopular usages as entails, and such rights of superiority as non-entry. While the use which Craig makes of these abstractions is suspect, they have another significance, and define an aspect of his work which merits consideration. His consciousness of an underlying *ratio* behind local feudal usages defines him as a humanist and a philosophical jurist. He was not satisfied, like some of his predecessors, to produce a commentary on the *Libri feudorum* or to treat Feudal Law as Customary Law.[4] He was not exclusively a legist, but he was interested in the development and the maintenance of feudal institutions even in a world which was alien to their spirit. He regarded the *feudum* as much as an ideal human institution as a juristic concept. He had a keen historical sense, but his consciousness of the past led him to attempt to carry complete on his overweighted shoulders a vanished and rapidly disintegrating scheme of life into an alien world. To a modern reader his treatise seems to resemble the systems of ecclesiastical law which are studied in the Roman seminaries of our day. Just as these abstract treatises fascinate by their comprehensive completeness, and are at the same time essentially alien to the *communis consensus* of our time, so in the sixteenth century Craig's doctrinaire feudalism was 'high and dry'

[1] *Jus Feudale*. Cf. *ibid.* ii. 21, § 3. [2] *Ibid.* ii. 21, § 3. [3] *Ibid.* ii. 16, § 1.

[4] The conception which Craig indicated by the term *ratio feudalis*, etc., was common to the humanist school of Feudalists. It is found even in Rebuffus, one of the most conservative members. 'Natura feudi,' he writes, 'est quaedam qualitas innata a principio generationis feudi sive tempore investiturae, ex qua virtus contractus perficitur et semper videtur inesse, nisi per pactum improprietur' (*Feudorum declaratio* in Zilettus, x. p. i. p. 300). Cujas also refers to the *natura et substantia feudi* (*De Feudis*, i. Introduction, *ad fin*). The definition of the *natura feudi* given in the *Libri feudorum* (Lib. i. tit. 3) by no means covers the ground to which the term was afterwards applied. Cujas summed up this definition in the words: *Propria feudi natura haec est, ut sit perpetuum, nec temere vassallo eripi possit sine causa* (*Commentarii*).

and abstract. His merit lies in the fact that he was conscious of the difficulties of his position, and his gallant attempt to impose his rigid framework on the fluid material which presented itself to him cannot fail to excite sympathy and a kind of admiration.

This view of feudalism as an institution led Craig to place the legal aspect of feudalism in the position of a secondary product. Feudalism being the reasoned interpretation of certain related elements which are found in different times and in different regions, the juristic aspect of these relations must necessarily reflect the local conditions to which it is applied. Unlike the ultimate *ratio feudalis*, *jus feudale* is local and variable.[1]

II. While all sound general rules in the sphere of law can be traced to the existence of underlying common institutions, it seemed natural in the sixteenth century that these juristic principles should find authoritative expression in some concrete body of legislation. The *corpus* of feudal law was the *Libri feudorum*. The majority of Craig's predecessors had been content to accept them as a kind of *depositum fidei* capable only of exposition and elaboration by the production of *glossae*. On the whole, Craig was impatient of this conservative and Bartolist attitude. He refers to the *scriptum feudorum jus*,[2] to the *jus antiquum feudorum*,[3] and even to the *jus commune Feudorum*,[4] but he was not prepared to accept the *Libri feudorum* as more than an interesting historical document.[5] The exact significance which he attaches to the term *jus feudale* is difficult to define. He did not confine it to the *Libri feudorum*, and probably included in it the text of these enactments and the *glossae* of the early Italian commentators, but his use of the term varies.

III. In his elaborate exposition of the juristic aspects of feudalism, Craig attached great weight to local customs. In his eyes *jus nostrum* or *usus noster* could maintain its position even when that involved a variance from *jus feudorum*, *i.e.* the enactments of the

[1] 'Nam ut monui saepius, jus feudale locale est et pro diversitate locorum saepissime variatur' (*Jus Feudale*, i. 11, § 19). 'Itaque recurrendum necessario est ad illud generale, statuta Feudalia esse localia, nempe pro varietate locorum varia' (*ibid.* ii. 1, § 27). Cf. *ibid.* ii. 12, § 3; and 'jus Feudale quod moribus introductum est' (*ibid.* ii. 21, § 16).

[2] *Ibid.* iii. 1, § 12. Cf. *ibid.* iii. 5, § 2.

[3] *Ibid.* iii. 3, § 33.

[4] *Ibid.* iii. 3, § 5.

[5] 'Mediolanses, qui principalem sibi juris Feudalis cognitionem arrogant' (*ibid.* ii. 18, § 24). Cf. 'Neque minus esse juris Feudalis censendum, quod ex ratione juris Feudalis pendet, quam si in ipso textu contineretur' (*ibid.* ii. 19, § 2).

Libri feudorum and the work of the classical commentators.[1] It was no doubt true that the Law of Scotland was a daughter of *jus feudale*,[2] but this fact did not involve slavish adherence to the parental customs.[3] On the other hand, a local custom or statute must be strictly interpreted,[4] in particular when it appeared to be contrary to the feudal ideal (*ratio feudalis*).

IV. A further element which can be traced in the material with which Craig laboured was the work of the Feudalists who preceded him. A full treatment of this aspect of his treatise would involve an examination of the contributions of jurists who flourished from the thirteenth to the sixteenth century, and a few general observations must suffice. Craig displays an extensive acquaintance with

[1] *Jus Feudale*, i. 15, § 21 ; ii. 15, § 15.

[2] 'Jus Feudale unde et nostrum descendit et cum quo consentit' (*ibid.* ii. 13, § 17). Cf. i. *ibid.* iii. 5, § 30.

[3] 'Sequitur jus Feudale, quod jus proprium hujus regni ab initio diximus, quod non est ita absolute intelligendum, ut nulla sit inter mores nostros et jus Feudale dissensio. Nam Mediolanenses, Cremonenses, Veronenses, Papienses, jus Feudale ut proprio, utuntur, et uti dicuntur, qui tamen in gravissimis quaestionibus et argumentis saepe inter se dissidunt : itaque quoties mores nostri a jure Feudali differunt, obiter, tantum notandum putavi' (*ibid.* ii. 13, § 24). Cf. *ibid.* ii. 7, § 29.

[4] 'Feuda fere omnia sunt localia et consuetudo regionis regulam in eis facit : sed quando statuto vel consuetudine alienatio permittitur, illa consuetudo sive statutum stricte accipiendum est' (*ibid.* iii. 3, § 32). Craig's note on this passage is significant. The authority of local customs is dealt with in the *Libri feudorum*, ii. (1) *De feudis sive eorum consuetudine Mediolanensi.* Cujas' commentary on this title is masterly. 'Plus potest consuetudo, quam lex, in his quae lege nominatim comprehensa non sunt. At si qua in re in feudorum causis mores defecerint, tum decurritur ad jus commune civium Romanorum, id est, quod eo jure in aliis rebus cautum est, cum nondum feuda in usum venissent, producitur etiam ad feuda' (*Commentaria, loc. cit.*). Cujas was willing to give a more final say to Civil Law than Craig, who turned to the Court of Session and the Estates as ultimate living authorities. Rather than have recourse to Civil Law, Craig would appeal to the law of a neighbouring state. 'Neque enim eum errari puto,' he writes, 'qui cum nullum apud nos jus municipale scriptum de quavis quaestione reperiatur, jus illud sequatur, quod in vicinorum bene constitutes respublicis frequentatur' (*Jus Feudale*, ii. 4, § 22). This was the view of the French customary lawyers.

The commentary of Pet. de Ravenna on the passage of the *Libri Feudorum* referred to is interesting : *Et conclude in hac materia, quod in materia feudali attendenda est primo consuetudo, si extat. Secundo proceditur de similibus ad similia in materia consuetudinis. Tertio recurritur ad legem scriptam, si extat, ut hic. Quarto, si non extat, tunc recurrendum est ad argumenta legum, quae valida sunt jure Romano.* (Zilettus, x. p. 2, p. 17), cf. Curtii, *de feudis Tractatum*, cap. 2, *s.v. Argumenta legum non sunt in materia feudorum admittenda* (Zilettus, x. p. 2, p. 44).

this field, and makes frequent references to a long list of commentators.[1] The latter fall naturally into two classes, the classical Feudalists such as Alvarotus and the modern school represented by François Hotman, with an intermediate class represented by Cujas. The characteristic of the first class was absorption in an abstracted *depositum juris* generally found in the *Libri feudorum*; that of the second was a keen political interest which made use of legal institutions for polemical purposes; while the third class represented the historical and humanistic school of jurists, who sought to give juristic institutions a place in human history without attempting to subordinate them to any other element. The use which Craig makes of these three classes of jurists is significant, and goes far to define his position. He describes Alvarotus as 'maximus feudista,' and refers to him and his like on questions of detail which involve for their proper treatment a sane appreciation of feudal theory. If Craig had been asked where he found his *ratio feudalis*, he would probably have turned to these early commentators, who in spite of their unhistorical point of view had seized on the golden age of feudal institutions and made it articulate. On the other hand, the class represented by François Hotman attracted and at the same time repelled him. Like himself, Hotman was alive to the close relation between law and politics in the sixteenth century, but instead of finding in feudalism a support to the theories of absolutism which prevailed, Hotman associated feudal institutions with the aims of doctrinaire democracy, and with the same semi-political interests as Craig arrived at the opposite conclusion. We accordingly find Craig frequently criticising the views of Hotman on both legal and political matters, though his criticism is always tempered with expressions of admiration of his genius. Hotman exercised a strong influence on the left wing of the Scottish Reformers, and Craig possibly found it prudent to treat him with respect.[2] At the same time, Craig and Hotman agreed in their view of the scope of Civil

[1] The following is the list in the order of their importance in Craig's estimation as indicated by the use which he makes of them: Hotman, Cujas, Schonerus, Alvarotus, Zasius, Bartolus, Baldus, Curtius, Rebuffus, Speculator (Durandus), Paul de Castro, Struvius, Praepositus, Matt. de Afflictis, Silemanus, Tiraquillus, Martinus Lavdensis, Joannes le Cercier, Gulielmus Terrensis, Jason, Duarenus, and And. de Iserna.

[2] Craig has a number of references to Hotman's political treatise, *Francogallia*; e.g. *Jus Feudale*, i. 12, § 9. Instances of his criticism of Hotman as a jurist are found in *Jus Feudale*, ii. 6, § 29, and ii. 11, § 10.

Law as applied to feudal institutions, and this community of view may account for the respect which the former always manifested for the latter.[1] As regards the third class of jurists, the humanists, Craig's treatise may be said to represent the most elaborate application of their method to the exposition of Feudal Law. He had the advantage of profiting by the labours of Zasius, Cujas and their school, but in the field of Feudal Law he worthily closes the line to which they belonged. He was the last, but not the least. A study of the treatises of the Feudalists collected by Zilettus in his vast *Tractatus Universi Juris* does not incline one to overrate the novelty of Craig's treatise, and acts as a salutary check on the tendency to attach importance to some of his statements as evidence of the condition of Scotland in his day.[2] His treatise, on the other hand, has features which give it a special character. It is not in any sense a commentary on the *Libri feudorum*, and is based on an examination of institutions rather than on written authorities.[3] It is a polemical treatise in respect that the author struggles to impose a system of law which was essentially inadequate on the confused and growing forces of the Scotland of his day. The attempt appears to have been based to a considerable extent on political considerations, and the resulting product has a breadth and suggestive interest which one seldom finds in juristic writings.

[1] *Vide* p. 296 n.

[2] In his effort to apply feudal principles to the political issues of his day, Craig recalls the dictum of Curtius Junior (d. 1533): 'Cum igitur inter caeteras utriusque juris materias (ut quotidiana forensium causarum docet experientia) feudorum materia non minus lucrosa, quam subtilis sit, quod in ea inter Principes et Magnates arduae quaestiones tractantur' (*Tractatus feudorum, Praefatio*; Zilettus, x. p. ii. 43). Cf. Zasius' political application of the question: 'Dominus, an et quomodo possit feudi dominium directum in alium transferre invito vassallo?' He concludes, 'Princeps civitatem invitis civibus alienare non potest' (*In Usibus Feudorum epithome*; Zilettus, x, p. i. 304). Again Rebuffus discusses the question: 'An Rex Franciae possit alienare ea quae sunt regni?' (*Feudorum Declaratio*; Zilettus, x. p. i. 300).

The reader of Craig is at first tempted to attach historical significance to his treatment of the powers of Chapters as indicating the disorder of ecclesiastical administration in Scotland, but in this matter he simply follows his predecessors. Zasius, *e.g.*, poses the question: 'Capitulum praelatura vacante feudum dare potest?' (*ibid.* p. 1, 304).

[3] Rebuffus in his preface to his very costive treatise states that his object is divisiones colligere quasdam et consuetudines contra consuetudines feudorum scriptas, nunc in viridi observantia in hoc regno existentes (*op. cit.*). The description would be much more suitably applied to Craig's treatise.

V. The position which Craig gives to Civil Law, and the distinctions which he draws in his treatment of it, are sufficient to stamp him as a legal humanist. He shows himself well versed in the gradual development of Roman Law, and marks the stages represented by the Twelve Tables, the *media jurisprudentia*, and the Imperial Constitutions.[1] He seems to have confined the use of the term *jus Civile* to the second stage, and his criticism of Justinian's feminist legislation leads one to the conclusion that he found the golden age of Civil Law in the period of the classical jurists.[2] In his use of such phrases as *merum imperium*, and in his treatment of *regalia*, he steers clear of the fallacious extension of the terms of Civil Law to a product which was essentially feudal,[3] but the most notable instance of his refusal to apply the *criteria* of Civil Law to feudal material is found in his treatment of the attempt of Cujas and the 'recentiores' to deny the division of a *feudum* into *dominium directum* and *dominium utile*, and to treat the latter as a kind of usufruct.[4] In this question he found himself in agreement with F. Hotman in maintaining the double nature of *dominium*, and refusing to apply the conceptions of Civil Law. It is easy to interpret this attitude of Craig as unhistorical, and to treat it as an attempt to ignore a long period in the development of Feudal Law, but this view cannot be maintained. Craig had a keen sense of feudalism as an institution, and the fact that for a time this institution was interpreted in terms of Civil Law appeared to him simply as an accident, from which it was not difficult to disentangle the independent development of Civil Law and of feudalism.[5] On reading the early chapter in which

[1] *Jus Feudale*, i. 2 and ii. 12, § 3.

[2] In this respect Craig had much in common with François Hotman, whose criticism of Civil Law was based on an attempt to draw a distinction between classical Roman Law and the work of Justinian. Cf. 'Mais si je fay grande difference entre le droit civil des Romains, et les livres de l'Empereur Justinian, je ne pense pas dire chose qui soit esloignée de verité' (*Anti-Tribonian*, cap. 1); and 'En quoy on peut aisément juger de la misere et infelicité de cet estude, lequel on nous presche et recommande pour le droit civil des Romains: comme ainsi soit que les plus grandes et solennelles observances de leur discipline, soient maintenant esvanouées, d'autant qu'elles ont esté supprimées et aboliés par les Empereurs de Constantinople, et principalement par Justinian' (*ibid.* cap. 5).

[3] Cf. Woolf's *Bartolus*, p. 133 *et sqq.* As has been noted, Craig is not so discriminating when he deals incidentally with political theory. In that field his work is marked by an absence of historical perspective.

[4] *Jus Feudale*, i. 9, § 10.

[5] While Hotman and Craig were at one in their refusal to interpret feudal

Craig deals with the authority of Civil Law in Scotland one is inclined to give it a larger place in his scheme than is justified. In particular, his statement that Feudal Law is, in fact, part of the Civil Law because the *Libri Feudorum* had Imperial authority and were generally printed along with the texts of Roman law, is obviously an attempt to maintain the independence of the former without affecting the dignity of the latter.[1] Further in this passage Craig restricts the term *Jus Feudale* to the *Libri Feudorum*.

VI. The place which Craig assigned to Canon Law is an interesting manifestation of his moderation, and the clear insight which marks his writings. He subjects the legislative work of the Papacy to severe criticism, and refers to Canon Law as partaking of the hybrid nature of a mule, '*sicut natura mulina composita ex equina et asinina.*'[2] Again, in dealing with the respective effects of investiture and possession, he makes merry at the expense of John XXII., *beatissimus pater*, who, like all the Canonists, held that possession was the best title.[3] On the other hand, when dealing with purely legal questions, in the course of his treatise he treats Canon Law as an important body of articulated jurisprudence which maintained its place when the authority of the Papacy had ceased to be acknowledged.[4] In this instance, as in others, he maintains a clear view of the development of law in its various fields, and is prepared to give consideration to the contribution of Canon Law to the manifold heritage which Scotland had to administer in the sixteenth century. It was left to the

relations in terms of Civil Law, they were swayed by different considerations. Craig's motives were legal and historical, while those of Hotman were political. The latter as an exponent of the democratic institutions of ancient France was apprehensive of the Imperialistic conceptions to be found in the legislation of the later Emperors.

[1] On this subject, *vide* note 4, p. 293, and *Jus Feudale*, i. 2, § 15, and *Epistola Nuncupatoria Auctoris*: 'Jus Feudale sub jure civili comprehendo.'

[2] *Jus Feudale*, i. 3, § 23.

[3] *Ibid.* ii. 2, § 4.

[4] *Ibid.* i. 3, § 24. Cf. *ibid.* ii. 7, § 12: "... tamen quia sic in jure civili, sic in Canonico praestitutum est, observandum nemo bonus dubitabit, praecipue cum usus noster cum his conveniet.' Cf. *ibid.* ii. 18, § 17, and ii. 21, § 3, and iii. 1, § 17. 'Nam in beneficiis ecclesiasticis, a quibus ad beneficia feudalia commode satis argumenta deduci possunt...' (*ibid.* i. 14, § 9). In this respect Craig followed in the footsteps of Cujas. Cf. *Jacobi Cujacii Consultationes*, xvii. *De Feudis*, and Curtius, *Op. cit.* i. 12: '*Cum in feudi materia jus Pontificum et Civile discrepant, utrum horum sequendum sit.*'

succeeding generations to refer to 'the dunghill of the Canon Law.'[1]

VII. In turning to the work of the Court of Session, we have to deal with material of a different character from the remains of the classical jurists and canonists and the antiquities and customary usages of Feudalism. The change is one from theory to practice, but that only to a limited extent. The Court of Session was confronted with competing bodies of jurisprudence, ranging from Roman Law of the classical period through the Imperial legislation and Canon Law to written and customary Feudal Law. To some extent its choice was limited by political and religious considerations and by the statutes of the Estates, but a wide field remained open. The decisions of the Court of Session during the period covered by Craig's active life were consequently of more importance from the point of view of jurisprudence than the decisions of even a supreme Court of Appeal in modern times.[2] In many matters, particularly in those arising from the economic development of Scottish life, local authorities were defective or entirely awanting, and the Court was often left to choose a ground of judgment from one or other of the historical legal systems. The Civil Law of the classical period had no doubt been largely adopted by the Canonists and Feudalists as a kind of 'logique universelle appliquée au droit,' but many diversities remained. As reflected in the pages of Craig's treatise, the Court of Session appears to have tended to ignore where possible the local customary usages which Craig embraces under the terms *mos* or *usus noster*, and to apply Civil Law, or to treat a customary claim as a legal right to be interpreted and enforced in terms of classical jurisprudence. As has been noted, the result was in many cases largely to increase the claims of the feudal superior at the expense of the vassal, whose vague obligations were enforced by a tribunal with a preference for the clarity of Civil Law.[3] The situation was curious. In the course of the sixteenth century the different bodies of local customs were collected in France and published as complete systems, but in Scotland any redaction of customs which may be

[1] This phrase, which is frequently found in the ecclesiastical records of seventeenth century Scotland, may be a translation of Hotman's 'l'ordure de droit canon' (*Anti-Tribonian*, cap. 13).

[2] E.g. *Jus Feudale*, ii. 22, § 19. 'Sed hactenus hoc usu receptum non vidi; licet hoc ipso tempore, aliquot de hac reverentia maritali actiones coram Senatu pendeant, quarum eventus pro lege erit.'

[3] E.g. *Jus Feudale*, iii. 3, § 10.

said to have taken place is to be found in the decisions of the Court of Session, where they received unsympathetic handling. On the other hand, the Senatus apparently found it necessary to offer remedies to vassals against the revived exactions of feudal superiors, thus depriving the latter of their jurisdiction.[1] In short, the new tribunal gradually drew to itself questions between superior and vassal which had previously been dealt with by the baronial courts and the Privy Council. By statute and by usage it gradually acquired a species of equitable jurisdiction,[2] but its growing activities did not altogether commend themselves to Craig, to whom the intervention of this external tribunal must have seemed a breach of his ideal feudal system. He refers to the Court of Session, accordingly, with a combination of disapproval and ironical respect.[3] It appeared to him to interpret statutes in an arbitrary manner to suit the occasion.[4] Reference may be made to an interesting passage in which Craig shows the Senatus dealing with a point of constitutional law in which the positions of the King as political sovereign and as feudal superior were involved. In the case to which Craig refers, the King was held to be a proper judge in his own case in a dispute with the Earl of Angus. The decision was arrived at by the Senatus, and the King's right was affirmed, 'interveniente Senatûs auctoritate.'[5] The position of semi-sovereignty in which Craig places the Court of Session in this instance is somewhat modified by his reference to another case in which that Court declined to deal with a question which raised new issues, and left it to the Estates as the supreme legislative authority.[6] It is possible, moreover, to trace in his pages evidences of conflicts of jurisdiction or competing claims to jurisdiction between the Senatus and the Commissaries and *Vicecomites*.[7]

VIII. The remaining element which can be defined in the material dealt with by Craig is the Statute Law of Scotland.

[1] *Jus Feudale*, ii. 19, § 11. With reference to Non-entry, Craig quotes the remark of William Oliphant: 'actio haec ex non-introitu est odiosa, et compescendam eam, et recidenda putamina Senatus e rep. esse censuit' (*ibid.* ii. 19, § 17).

[2] Cf. *Jus Feudale*, ii. 21, § 28.

[3] He refers to a decision of the Senatus as 'contra juris communis regulas' (*ibid.* ii. 6, § 12). Cf. *ibid.* ii. 6, § 13, and *ibid.* iii. 1, § 18: 'Mihi haec antiqui juris et consuetudinis novatio omnino non placet.'

[4] *Jus Feudale*, i. 8, § 9; ii. 17, § 20.

[5] *Ibid.* iii. 7, § 12.

[6] *Jus Feudale*, i. 11, § 17: 'Memini... Senatum quaestionem ad Comitia regni publica rejecisse, ne in re nova aliquid videretur sibi arrogare.'

[7] *Ibid.* iii. 2, § 7 and ii. 22, § 12.

While in his treatment of the theories of Feudalists and the decisions of the Senatus we find him ready to maintain his ideal feudal fabric by references to the abstractions dealt with under the first head of this analysis, he makes little attempt to criticise the legislative work of the Estates.[1] He claimed for his treatise the character of a practical work suited to the student and the practitioner, and while this claim has often been called in question, it was sufficient to restrict his treatment of statutes, which could not be questioned by professional readers.[2] But even in this matter he found it possible to retain his freedom by a critical examination of the *Regiam Majestatem*[3] and by insisting on the Scottish doctrine of desuetude.[4] The result was that he was able to confine Scottish Statute Law within the comparatively narrow limits of the legislation of the fifteenth and sixteenth centuries.[5]

The foregoing analysis of the factors dealt with by Craig is based on an examination of his treatise, but it does not agree in all respects with the arrangements of his material which he gives from time to time. Thus, in the general historical introduction which occupies part of the First Book, he lays down the following table of legal precedence :

1. Statuta.
2. Consuetudines.
3. Jus Feudale.
4. Jus Civile.
5. Jus Canonicum.[6]

It is probable, however, that the order in which the elements have been treated above more nearly manifests Craig's ultimate point

[1] For exceptions, cf. *ibid.* ii. 5, § 8, and ii. 16, § 12 *et sqq.* But cf. *ibid.* ii. 16, § 14 : 'Quod ad me attinet, nunquam committam, ut, in re tanta, meam sententiam ulterius interponam, quod ut illud tester, eum qui jus commune patriae sequitur, legesque ipsas testes conscientiae suae habeat, meo judicio non errare.' Cf. *ibid.* i. 8, § 12.

[2] *Jus Feudale*, i. 8, § 9 ; iii. 2, § 7 ; ii. 16, § 14.

[3] For Craig's estimate of the *Regiam Majestatem*, vide *ibid.* i. 8, § 11 ; ii. 13, § 39 ; i. 11, § 1 ; ii. 20, § 34.

[4] *Ibid.* i. 8, § 9.

[5] *Ibid.* ii. 4, § 22. For Craig's estimate of the authority of the *statuta, quae a Principe et suo concilio secretiori publicantur* ; vide *ibid.* i. 8, § 9. His view of the *statuta, quae in conventionibus Statuum sive Ordinum extra Parliamenta fiunt* is expressed in *ibid.* i. 8, § 10.

[6] *Jus Feudale*, i. 8, § 12 *et sqq.* Cf. *ibid.* ii. 4, § 22, on the authorities on the interpretation of an investiture, and *ibid.* ii. 13, § 19 *et sqq.* on the Laws of Succession.

of view. He was an historian and student of institutions with all the doctrinaire enthusiasm of an antiquarian for the life of an earlier and simpler world than that in which he lived. The *Jus Feudale* of which he treats is a system of land tenure surviving with difficulty in a modern world, and twisted from its old symmetry by alien economic developments, by the intricate relations of debtor and creditor, by the intervention of non-feudal tribunals, and by the application of doctrines of possession and usufruct borrowed from Civil Law. Time and again he turns from the sordid feudalism of his day, 'deflorescente illa gloria militari, et feudali disciplina senescente,'[1] from the *feuda* which had deteriorated into *feudastra*[2] to the *virilis Feudi aetas*,[3] and when an opportunity presents itself he enlarges on the intimate and almost romantic tie which unites the feudal superior and vassal. To his mind the relation between the two was closer than that between husband and wife or parent and child, and could not be contained in the framework of juristic categories.[4] He attempts at times to define the bond in terms of Civil Law as a *societas*, as an expression of the rule *causa data, causa secuta*,[5] and as a *contractus stricti juris*, and to place the vassal in the position of a *usufructuarius* or a *fideicommissarius*, but his object in so doing is merely illustrative. When he is dealing with concrete feudalism in practice he has recourse to other categories, and in interpreting the respective liabilities of superior and vassal he turns in the first instance to the *tenor investiturae* and then to the *mos regionis*.[6] In this matter, as in others, he manifests that keen historical perspective to which reference has already been made. He was prepared to apply the principles of classical Roman Law to the exposition of the abstracted elements of the Feudal relationship, but when he came to deal with concrete feudalism he confined himself to the

[1] *Jus Feudale*, ii. 18, § 29. Cf. *ibid.* ii. 11, § 5.

[2] *Ibid.* i. 9, § 6. Cf. 'hodie feudorum concessio in quaestu et promercalis tantum est' (*ibid.* ii. 11, § 5).

[3] *Ibid.* i. 4, § 12; i. 14, § 1.

[4] 'Sed quod ad postremum vinculum matrimonii attinet, profecto dum societatis hujus vinculum cum eo comparatur, nullum societatem, nullam amicitiam, nullum foedus, arctius aut sanctius coli debere, hac ipsa comparatione demonstratur; et profecto vinculum hujus conjunctionis omnia alia vincula, sive ea sint naturae, qualia sunt sanguinis, sive affinitatis, sive amicitiae contractae inter duos aut tres familiares, de qua tot libri a viris eruditissimis scripti extant, longo post se intervallo haec omnia vincula relinquit' (*ibid.* iii. 3, § 1). Cf. *ibid.* ii. 11, § 13.

[5] *Ibid.* iii. 3, §§ 9, 10.

[6] *Ibid.* iii. 3, § 31.

terms of the grant and local customs, with recourse, in the event of both failing, to *communis feudorum natura*.[1] This combination of antiquarian idealism and keen appreciation of the conflicting claims of the legal theories and institutions of his day constitutes the main interest of Craig's treatise to modern readers.

DAVID BAIRD SMITH.

[1] *Jus Feudale*, ii. 11, § 1 ; *ibid.* iii. 3, § 31, and ii. 3, § 28 : 'nam licet Tenor pro pactione, contra communem feudi naturam interposita, in jure Feudali sumatur, ex usu tamen omnium gentium . . .' Cf. also *ibid.* ii. 11, § 1 : '. . . et hoc, vel secundum tenorem et conventionem investiturae, aut saltem secundum consuetudinem loci, si nihil sit expressum in investitura. Quod si neque consuetudo appareat, tum ad communem feudorum naturam recurrendum.' Cf. Joan. Ferrarii Montani Collectanea (Zilettus, x. p. 2, p. 95), 'Monendi sumus, ante omnia investiturae tenorem inspicii debere, ad quem, ceu ad sacram anchoram oblatis difficultatibus feudorum perpetuo recurrimus.'

John Stewart of Baldynneis, The Scottish Desportes

ONE of the latest volumes issued by the Scottish Text Society contains the poems of John Stewart of Baldynneis, poems which have up till now remained in manuscript.[1] The volume containing the introduction has yet to be published, and consequently we are without particulars as to the poet's life. From his poems, which are dedicated to King James VI., it is to be gathered that Stewart had concluded his poetical work some time after the year 1583.

At that date the influence of French literature in Scotland was not yet at an end. In France, the abbé Philippe Desportes (1546-1606), the last remaining star of the Pléiade group of poets, the man whom Ronsard himself described as the first French poet, was at the height of his fame. It was the work of this celebrated Court poet that inspired Stewart with a large part of his poems.

The study of comparative literature is often looked upon as rather barren employment. But it is by no means such a superficial and vain study as at first sight appears. An intelligent student realises that the results obtained by such research form an important part of the history of the development of expression, which in turn must form an important chapter of the history of civilisation. In no direction does research give more interesting results than when we come to consider the influence of French literature upon the early authors of Scotland.

It is, then, desirable to form some estimate of the worth of the French poet whom Stewart took as model. In his day, Desportes was one of the most prominent figures at the French Court, and achieved such prosperity that he was able to act the patron to authors in less affluent circumstances. So many benefices did the abbé manage to secure, that Saint-Beuve re-

[1] *Poems of John Stewart of Baldynneis*, ed. Crockett, vol. ii. (Text), Edinburgh and London, printed for the Society, 1913.

marks: 'When we look into the sky on a clear night, we discover there star beyond star; the more we look into the life of Desportes, the more abbeys do we discover there.'[1]

The less said about the methods by which such prosperity was attained the better. Chief amongst them was the poetic aid which Desportes lent in advancing certain affairs of gallantry at the degenerate court of the Valois. It is said that in return for one sonnet penned for such an object he was rewarded with an abbey. Balzac comments upon the incident thus: 'Monsieur the Admiral de Joyeuse gave an Abbey for a Sonnet. . . . The trouble which M. Desportes took to make verses, acquired for him a leisure of 10,000 écus of income; my father, who has seen him, has assured me of it. But he has assured me also that in this same Court, where these liberalities were exercised, and where these fortunes were made, several Poets died of hunger; without counting Orators and Historians, whose destiny was not better. In the same Court, Torquato Tasso has had need of an écu, and has begged it by way of alms from a lady of his acquaintance. He carried back into Italy the clothing which he had carried into France, after having made a year's sojourn there, and yet I am assured that there was not a stanza by Torquato Tasso which was not worth as much at least as the Sonnet which was worth an Abbey. Let us conclude that the example of Monsieur Desportes is a dangerous example; that it has indeed done harm to the Nation of Poets and caused rhymes and measures to be lost. This leisure of 10,000 écus of income is a Rock against which the hopes of 10,000 Poets are broken.'[2]

For the greater part, the sonnets of Desportes are wretched specimens of debased Petrarchism, justifying the remark of an Italian critic, Flamini, that Desportes is the 'legitimate heir' of Melin de Saint-Gelais, an earlier Court poet, an uninspired imitator of the Italian strambottists.[3]

Yet, as the same critic admits, Desportes has profited something by his acquaintance with Italian poetry, particularly the poetry of the school of Bembo. Desportes, according to Flamini, has succeeded better than all other French writers of his period, in turning the phrase, in giving sound unity and euphony to

[1] Sainte-Beuve, *Tableau de la poésie française au seizième siècle*, nouvelle edition, Paris, Charpentier, p. 427 note.

[2] *Œuvres*, Paris 1665, ii. 400.

[3] *Studi di storia letteraria italiana e straniera*, Leghorn 1895, p. 352. This estimate Flamini owes to Sainte-Beuve (*Tableau*, p. 109).

verse, and in endowing it with polish; without him there could have been neither a Corneille, a Racine, a Boileau, a Molière.[1] To that list I would add the name of Voltaire. To me the following song seems not unworthy of being compared with the airy lyrics of Voltaire:

Rozette, pour un peu d'absence,
Vostre cœur vous avez changé,
Et moy, sçachant cette inconstance,
Le mien autre part j'ay rangé;
Jamais plus beauté si legere
Sur moy tant de pouvoir n'aura:
Nous verrons, volage bergere,
Qui premier s'en repentira.

Tandis qu'en pleurs je me consume,
Maudissant cet esloignement,
Vous, qui n'aimez que par coustume,
Caressiez un nouvel amant.
Jamais legere girouëtte
Au vent si tost ne se vira;
Nous verrons, bergere Rozette,
Qui premier s'en repentira.

Où sont tant de promesses saintes,
Tant de pleurs versez en partant?
Est-il vray que ces tristes plaintes
Sortissent d'un cœur inconstant?
Dieux, que vous etes mensongere!
Maudit soit qui plus vous croira!
Nous verrons, volage bergere,
Qui premier s'en repentira.

Celuy qui a gaigné ma place,
Ne vous peut aimer tant que moy;
Et celle que j'aime vous passe
De beauté, d'amour et de foy.
Gardez bien vostre amitié neuve,
La mienne plus ne varira,
Et puis nous verrons à l'espreuve
Qui premier s'en repentira.[2]

[1] Flamini is again indebted to Sainte-Beuve, who inquires: 'Why have not Desportes and his friends . . . been immediately followed by a generation like that of Corneille, Racine, Boileau, and La Fontaine?' (*Tableau*, p. 105). It would, of course, be easy to over-estimate the debt due by Desportes to Italian influence.

[2] *Œuvres de Philippe Desportes*, ed. A. Michiels, Paris 1858, p. 450.

According to the historian Vitet, it was this *villanelle* that the Duke of Guise hummed to his weeping mistress at the Castle of Blois on the 22nd of December, 1558, that night of terror and of pleasure which was to be the last for him. Nor can we deny merit to the two lyrics which I shall have occasion to cite later. These three poems are about the best things that Desportes has written.

Let us now return to Stewart. Stewart has entitled his manuscript thus: 'Ane abbregement of roland furiovs translait ovt of Ariost, togither vith svm rapsodies of the authors yovthfvll braine, And last ane schersing ovt of trew felicitie, composit in scotis meitir be J. Stewart of Baldynneis.'

The first item, the abridgement of Roland Furious, occupies a large part of Stewart's pages. As the form of the title betrays, it is the outcome, in part, of a perusal of 'Roland Furieux,' and, probably, other passages from Ariosto's romance, penned in French by Desportes. One parallel will be sufficient to prove the Scottish poet's dependence on Desportes. The 53rd and 54th lines of the first canto of Stewart's version contain this reference to Orlando's prowess with his sword, Durindana:

> As lustie falcon litle larks dois plume
> So harneis flew, Quhair Dvrandal discends.

Now, in Desportes, lines 55 and 56 run thus:

> . . . car rien ne les deffend
> Maille ny corselet, quand Durandal descend.

Since Desportes is here introducing a passage which occurs in the 12th canto of Ariosto's romance, stanza 79,

> Perchè nè targa nè cappel difende
> La fatal Durindana ove discende,

it becomes at once obvious that Stewart undertook his translation as a result of reading Desportes. The Scottish poet, however, shows clearly that he had also read the Italian original. He is very free in his innovations, borrowing, for example, such words as 'spelunc' from the Italian, and 'esmoy' from the French.

The next borrowing from Desportes which I have noted occurs in the 'rapsodies of the authors yovthfvll braine,' which said rhapsodies embrace the following sonnet, 'Of ane Fontane':

> Fresche fontane fair And springand cald and cleine,
> As brychtest christall clear vith silver ground,

Close cled about be holsum herbis greine,
Quhois tuynkling streames yeilds ane luiflie sound,
Vith bonie birkis all vbumbrat round
From violence of Phebus visage fair,
Quhois smelling leifs Suawe Zephir maks rebound
In doucest souching of his temperat air,
And titan new hich flammyng in his chair
Maks gaggit erth for ardent heit to brist,
Than passinger, quho Irkit dois repair,
Brynt be the Son, And dryit vp vith thrist,
Heir in this place thow may refreschment find
Both be the vell, The Schaddow, and the vind. (p. 152.)

This is a translation of a sonnet by Desportes, 'D'une fontaine,' which has been thought worthy of inclusion in many French anthologies, though for myself I agree with Flamini in thinking it a rather flat performance compared with its models.

Cette fontaine est froide, et son eau doux-coulante,
A la couleur d'argent, semble parler d'amour :
Un herbage mollet reverdit tout autour,
Et les aunes font ombre à la chaleur brûlante.
Le fueillage obeyt à Zephyr qui l'évante,
Soupirant, amoureux, en ce plaisant sejour ;
Le soleil clair de flamme est au milieu du jour,
Et la terre se fend de l'ardeur violante.
Passant, par le travail du long chemin lassé,
Brûlé de la chaleur, et de la soif pressé,
Arreste en cette place où ton bonheur te maine.
L'agreable repos ton corps delassera,
L'ombrage et le vent frais ton ardeur chassera,
Et ta soif se perdra dans l'eau de la fontaine.[1]

Desportes cannot claim this sonnet as an original production, for it is merely a rendering of a celebrated epigram by the Italian neo-Latinist poet Navagero, commencing : 'Et gelidus fons est : et nulla salubrior unda,'[2] which had already been turned into a sonnet by the Italian poet Luigi Tansillo.[3]

Here is another sonnet by Stewart, 'In going to his luif' :

O siluer hornit Diane, nychtis queine,
Quha for to kis Endimeon did discend,

[1] *Œuvres*, p. 434.

[2] *Carmina quinque illustrium poetarum*, . . . Venetiis, ex officina Erasmiana Vincentii Valgrisii, 1548, p. 25.

[3] *Poesie liriche . . . di Luigi Tansillo*, ed. F. Fiorentino, Naples 1882, p. 27, sonnet liii.

Gif flamme of luif thow haid don than susteine,
As I do now that instant dois pretend
T'embrasse my luif, not villing to be kend,
Vith mistie vaill thow vold obscuir thy face
For reuth of me that dois sic trauell spend.
And finding now this vissit grant of grace,
Bot lett it be thy borrowit lycht alace,
I staying stand in feir for to be seine,
Sen yndling eine Inwirons all this place,
Quhois cursit mouths ay to defame dois meine.
Bot nether thay Nor yit thy schyning cleir
May cause appear my secret luif synceir. (p. 188.)

This is only a brief rendering of certain stanzas by Desportes, which, set to music, continued to be sung down to the time of the minority of Louis XIV.:

O Nuict, jalouse Nuict, contre moi conjurée,
Qui renflammes le ciel de nouvelle clarté,
T'ay-je donc aujourd'huy tant de fois desirée,
Pour estre si contraire à ma felicité ?

Pauvre moy ! je pensoy qu'à ta brune rencontre
Les cieux d'un noir bandeau deussent estre voilez :
Mais, comme un jour d'esté, claire, tu fais ta monstre,
Semant parmy le ciel mille feux estoilez.

Et toy, sœur d'Apollon, vagabonde courriere,
Qui, pour me descouvrir flambes si clairement,
Allumes-tu la nuict d'aussi grande lumiere,
Quand sans bruit tu descens pour baiser ton amant ?

. . . . . .

Si tu avois aymé, comme on nous fait entendre,
Les beaux yeux d'un berger de long sommeil touchez,
Durant tes chauds desirs, tu aurois peu apprendre
Que les larcins d'amour veulent estre cachez.

Mais flamboye à ton gré, que ta corne argentée
Fasse de plus en plus ses rays estinceler :
Tu as beau descouvrir, ta lumiere empruntée
Mes amoureux secrets ne pourra deceler.

Que de facheuses gens, mon Dieu ! qu'elle coustume
De demeurer si tard en la ruë à causer !
Ostez-vous du serein ; craignez-vous point le rheume ?
La nuict s'en va passée, allez-vouz reposer.[1]

. . . . . .

[1] *Œuvres*, p. 378.

If Stewart has imitated Desportes here, Desportes in turn has taken his stanzas from Ariosto (7th elegy, 'O ne' miei danni più che 'l giorno chiara'). I think that Tolomei and Paterno have sonnets somewhat in the same vein.[1]

Stewart has not confined himself to such a good model as Desportes. Amongst the rhapsodies of his youthful brain he puts before us 'ane new sort of rymand rym,' commencing thus:

> This hym I form to your excellent grace
> Grace gyd yow ay for god yow hes lent grace.
> Grace lent from god guwerns fra all misdeid:
> Misdeid finds grace be doing almis deid:
> Deid dochtie—— (p. 149.)[2]

But hold, enough! I quote this atrocity in order to point out that Stewart is here experimenting in a form of versification known to the old rhetorical school of French poets, who amused themselves, but not their readers, by composing verses in which the last two syllables were identical, this sort of verse being called 'equivocal.' Stewart adds to his crime by commencing each line with the last word of the preceding line. This, too, was an achievement he had found in the old French poets. But I am not sure that his direct model was not the sixteenth century biographer, Du Verdier, who, I think, has also produced a 'new rhyme' of much the same nature in his biographical dictionary.

Stewart concludes his volume with an allegory, 'Ane schersing ovt of trew felicitie.' Here he blossoms out as an original poet, and no mean one at that. There is a surprising mastery of rhythm and verse in this poem. Doubtless Stewart had profited by his study of foreign models, although in this particular composition his chief models would probably be the poets of his own island.[3] The strain of moralising in this poem warns us that we

[1] Ronsard has imitated these Italian sonneteers in his ode, 'Chère Vesper, lumière dorée' (ed. Blanchemain, vol. ii. p. 274). The original source of these versions is a piece assigned to Bion.

[2] On the Rob Stene mentioned in this rhyme, see the *Scottish Historical Review*, vol. ii. p. 253.

[3] Stewart mentions Lindsay, and among his other Scottish models was undoubtedly Dunbar ('The Merle and the Nychtingaill,' and 'The Dance of the Sevin Deidly Sins'). Stewart's concluding 'Fairweill to the Musis,' seems to have been inspired by Du Bellay's 'L'Adieu aux Muses,' in turn translated from the Latin of George Buchanan.

are already in touch with that dour Presbyterian puritanism which the historian Buckle has so fiercely attacked.[1]

GEOFFREY A. DUNLOP.

[1] 'When the Scotch Kirk was at the height of its power, we may search in vain for any institution which can compare with it, except the Spanish Inquisition. . . . Both were intolerant, both were cruel, both made war upon the finest parts of human nature, and both destroyed every vestige of religious freedom' (*History of Civilization in England*, 1867 ed., ii. 279).

Britain's First Line of Defence, and the Mutiny of 1797

BACON, in his Essay *Of Greatnesse of Kingdomes and Estates*, discussing the advantages of sea power, pithily sums up the matter: 'But thus much is certaine; that hee that commands the sea is at great liberty, and may take as much, and as little, of the warre as he will.' What the command of the sea means to us can be realized by comparing the position of our country with those parts of France, Poland, Austria, and above all Belgium, where the present war is raging. As Burns wrote:

> Does haughty Gaul invasion threat?
> Then let the loons beware, sir,
> There's wooden walls upon the sea
> And volunteers on shore, sir.

We have now volunteers, such as Burns's day never saw, and an army far surpassing in numbers any that was ever raised in our country, but the navy is still, as it has always been, our first and best line of defence. If the old wooden walls are gone, we have now ramparts of steel. Time and again in the history of our country threats of invasion have proved no more than empty words, while any attempt to carry them into execution has been foiled by the skill and valour of our seamen.

The two outstanding occasions are the Spanish Armada, and Napoleon's threatened invasion in 1804-5. It is a matter of nice speculation what might have happened in 1588 if Medina Sidonia had succeeded in embarking Parma's veteran troops at Dunkirk, and had been able to land them, in addition to the soldiers on board the Armada, on the southern shores of England. So too in 1805. If Napoleon could have gained for twenty-four hours the command of the channel, what would have been the course of history? Nor were these the only occasions on which our country has been in danger of invasion.

The late M. P. Coquelle contributed to the *Revue d'Histoire*

Diplomatique,[1] in 1901 and 1902, articles on *Projets de descente en Angleterre, d'après les Archives des affaires étrangères*. The account of these *projets* covers the period from 1666 to 1783, and proves that without command of the sea an invasion of this country was, if not impossible, at all events so difficult that it never came off. Once at least the French had that command, when, in 1690 (after the battle of Beachy Head), Tourville was for some weeks master of the Channel, but, luckily for England, the French had no army ready. For many years after, the authors of the *projets* placed too much dependence on the support of the Jacobites. These, however, showed that, like the celebrated Major Galbraith, they knew more about the *bottle* than the *battle*. They were excellent hands at sentimental vapouring, and at toasts to 'the King over the water,' but to take up arms, and risk life and lands in a very uncertain venture, was quite another thing. Even when Prince Charlie made his great attempt, and marched with his army into the heart of England, the support given by the English Jacobites was practically *nil*. At that time too (again luckily for this country) France had quite enough on her hands on the Continent to be able to afford any real help.

Possibly the most imminent danger of invasion was in 1759. In that year Marshal Belle-isle and the Duc de Choiseul had planned an attempt, very much on the same lines as were afterwards adopted and perfected by Napoleon. A large number of flat-bottomed boats were built at Havre, Dunkirk, Brest and Rochfort, while a hundred transports were hired, on board which 50,000 troops were to be embarked for the invasion of England, and at the same time 12,000 more were to descend upon Scotland. A number of *prames* were also built and fitted out as floating batteries, in order to protect the flotilla when crossing the Channel. Choiseul was, however, advised that it would be courting disaster to make the attempt, unless the mastery of the sea were first secured. With this object it was decided that a junction should be effected between the Toulon and the Brest fleets, which, having joined hands, were to sweep away the English squadrons watching the Bay of Biscay and the Channel. De la Clue accordingly left Toulon in August with twelve ships of the line, and managed to get through the straits unmolested. He was at once pursued by Boscawen, who was lying at Gibraltar with fourteen ships, with the result that five of his ships took

[1] See *Blackwood's Magazine*, March, 1915, for an interesting article by Mr. David Hannay, founded on Mons. Coquelle's researches.

refuge in Cadiz, five were burnt or taken off Lagos Bay, and only two got away. At Brest, Conflans had twenty ships of the line, and when Hawke had been compelled by a strong gale of westerly wind to bear up for Torbay, he slipped out of the harbour and steered for the south. Hawke, as it happened, left his anchorage on the same day, and coming up with Conflans near Quiberon, at once attacked and broke up the French fleet. Six vessels were taken or destroyed, and the remainder put out of action for many months to come. As Mahan says: 'All possibility of an invasion of England passed away with the destruction of the Brest fleet. The battle of Nov. 20th, 1759, was the Trafalgar of this war.'[1]

To quote Mr. Newbolt's spirited sea ballad:

> The guns that should have conquered us
> they rusted on the shore,
> The men that would have mastered us
> they drummed and marched no more.

How great the feeling of relief was in England, is shown by the doggerel lines said to have been sung in the fleet. When the danger was over, the necessities of our sailors were (not for the first time) not too well cared for, hence the lines:

> Ere we did bang Mounseer Conflans
> You sent us beef and beer,
> But now he's beat, we've nought to eat,
> For you have nought to fear.

Seeing that our immunity from invasion, possibly from conquest, has been secured by our fleet, we may recall the one occasion on which it failed us, when indeed it proved not only a broken reed, but one likely to pierce the hand that leaned upon it.

In the history of the navy there have been incidents one would rather forget. It is true that only one admiral was shot on the quarterdeck; but that no more proves that others did not deserve a similar fate, than the fact that Lord Ferrers was the only member of the House of Lords to suffer at the hands of the hangman, is proof that there were no other members of that assembly who, to use Lord Braxfield's words, would have been 'nane the waur o' a hanging.' There was at times no lack of incapable and irresolute commanders—of mutinous or pusillanimous crews—but once, and once only, have we seen a concerted

[1] *The Influence of Sea Power upon History*, p. 304.

scheme on the part of our seamen to refuse obedience to authority, and to decline to 'carry on.'

For this they must not be too hastily condemned. An impartial consideration of the great mutiny of 1797 must lead to the conclusion that the blame for the outbreak lay with the Admiralty, rather than with the men. It is difficult for the present generation to conceive the conditions of seafaring life in the eighteenth century. That it was 'a dog's life at sea' was not then a proverbial and half-humorous expression, but a very serious fact. Dr. Johnson is credited with having said that no one would go on board a ship who had ingenuity enough to get into a jail, a remark as true as it was bitter. The seamen of that day were exposed to what would now be regarded as absolute misery—wretched quarters, badly found ships, often leaky, and always stinking of bilge water. The discipline was of the severest, enforced by brutal punishments. The food was not only insufficient in quantity, but too often of such a quality as to be absolutely uneatable, while the water, being kept in wooden casks, after a time became foul and unwholesome. In addition to these conditions, which were common to all who 'went down to the sea in ships,' the seamen of the fleet had special grievances, being often little better than prisoners on board, and shamefully treated with regard to pay and other important matters. The events of the time helped to bring matters to a head, for, as Sir William Clowes[1] points out, there was a feeling of unrest pervading every class of society, which undoubtedly precipitated the crisis. As he says: 'It would almost seem as if the state of unrest among the seamen was rather of the nature of an epidemic, the germs of which were afloat in the air of the age, than the result of any more obvious causes.' To most people it will seem that, in the treatment and general conditions of service in His Majesty's navy at that period, there were plenty of 'obvious causes' for discontent and worse. It is at all events certain that disaffection was rife, which was at first manifested in isolated cases, though it must be admitted that these took place on board vessels commanded by captains of the best, as well as by those of the worst reputation.

[1] See Sir William Clowes, *History of the Royal Navy*, iv. 167-181. The story of the mutiny is also told, in greater detail, in the *History of the Mutiny at Spithead and the Nore* (London: Thomas Tegg, 1842). This, which was published anonymously, is stated in Halkett and Laing's *Dictionary of Anonymous and Pseudonymous Literature* to have been written by William Johnson Neale. It is Vol. lxxx. of the Family Library.

One of the first cases was in December, 1794, when a mutiny broke out on board the *Culloden*, commanded by Capt. Thomas Troubridge, an officer quite competent to deal with such an outbreak. It was not until 1797 that things came to a crisis, and there was an organized movement among the seamen. In February of that year a petition from each of the line-of-battle-ships lying at Spithead was forwarded to Lord Howe, to which no attention was paid. Early in March the fleet went for a short cruise, and on their return there was a general agreement throughout the fleet that no ship belonging to it should again weigh anchor so long as their grievances were unredressed. On April 15th Admiral Lord Bridport ordered the fleet to prepare for sea, whereupon the crew of the *Queen Charlotte* (the flagship) ran up the shrouds and gave three cheers, the signal for mutiny, which was answered in like manner by the rest of the fleet, consisting of sixteen sail of the line. On the 21st April Lord Alan Gardner, Port Admiral, and Vice-Admiral Colpoys met the men's delegates, but were assured that no conclusive arrangement could be made, unless it were sanctioned by Parliament, and accompanied by a proclamation of general pardon. On the 23rd April Lord Bridport informed the mutineers that the redress craved had been granted, and that he had the king's pardon for the offenders.

The chief grievances set forth in the petition were: that the rate of pay had been unaltered since the time of Charles II.; that the provisions served out were short in weight, and of inferior quality; that the sick were not properly attended to; that not enough liberty was granted when in harbour; and that the wounded were deprived of their pay when on the sick list.

The assurances of the Government (which promised partial redress) not being considered sufficient, the fleet, on 7th May, refused to go to sea. This was followed by an outbreak of violence on board one or two of the ships, and on 14th May Lord Howe (who was always popular with the seamen) came to Portsmouth with plenary powers, including an Act of Parliament dealing with the grievances, and a new proclamation of pardon for all who would return to duty. On the 15th the mutiny ceased, and next day the fleet went to sea.

It will be seen that the demands of the seamen were very reasonable, and that, apart from the act of mutiny, their conduct on the whole did them credit. Above all, they all along asserted that they were ready to do their duty if the French fleet put to sea.

The trouble, however, was not yet over, as, a few days after the men returned to duty at Portsmouth, mutiny broke out in the North Sea fleet, and in the ships at the Nore. The men demanded all that had been granted to the fleet at Spithead, and other concessions, including increased wages, and more liberal arrangements in the matters of leave and distribution of prize money. On the 26th May Admiral Duncan put to sea in the *Venerable*, but by the 31st he was deserted by his whole fleet, except the *Adamant* (50 guns). On board the flagship there was an attempt at mutiny, which was quickly suppressed by the Admiral; if the story is true, literally *vi et armis*. By the 6th June the ships at the Nore whose crews had mutinied consisted of twelve sail of the line, two of 50 guns, six frigates, and six smaller craft. As at Spithead, two delegates from each ship were appointed, the President being Richard Parker, a man of some education. He had at one time been a midshipman, but was reduced for misbehaviour in 1793, and next year was discharged the service as insane. There is little doubt that the leaders, or some of them, were in communication with the enemy, and had a project of carrying the fleet across the Channel. This, however, would certainly have been repudiated by the general body of the seamen. As the Government showed no signs of giving way the men became desperate, and resolved to coerce the city of London into supporting their demands. With this object the mutineers drew four vessels across the channel, from the Nore sands to Southend, and prevented any ships going up or down. The city was in a state of terror, fearing that the fleet might be surrendered to the French, that the mutineers might attack the forts and arsenals on the Thames and Medway, or that the enemy's fleet might put to sea and meet with no resistance. The greatest consternation prevailed, and the 3 per cent. Consols fell to 45½. In the House of Commons Sheridan remarked: 'If there was, indeed, a rot in the wooden walls of England, decay and ultimate ruin could not be far distant.'

The Government, however, refused to be intimidated. They seemed indeed to think that no concessions should be granted, but that the men should be treated with greater severity. They accordingly took active measures to suppress the outbreak, new batteries being erected on the Thames, with furnaces for heating red-hot shot, while the buoys at the mouth of the river were removed. Troops were held in readiness on shore, and Commodore Sir Erasmus Gower was ordered, if necessary, to

attack the mutineers. Preparations with that object were almost completed when, on June 9th, the movement showed signs of collapsing. The rebels were deserted by several vessels, which on the 10th hauled down the red flag. River traffic was re-opened on the 13th, and the general body of the disaffected said they would submit to the authorities if a general pardon were granted. On the 14th the *Sandwich* was carried under the guns of Sheerness, and Parker, the chief delegate, arrested. He was tried by court martial and found guilty on the 22nd June, being executed on the 29th. A number of the other ringleaders were also hanged, several flogged, and some imprisoned.

Mutinies did not cease with the collapse at the Nore, there being outbreaks on board a number of individual ships for some years after. The epidemic spread to the Mediterranean fleet, which luckily was commanded by Lord St. Vincent. If the authorities at home had in some cases showed too much leniency, Lord St. Vincent at all events did not err in that direction. The case of the *Marlborough* may be cited as an instance of his firmness and determination. The crew of this vessel, which was one of those that had mutinied at Spithead, showed signs of insubordination on the voyage out, and one of the seamen was tried and condemned to death by a court martial. St. Vincent ordered him to be hanged forthwith, and by the crew of the *Marlborough* alone. The captain stated that the men would not allow him to be hanged on board that ship, but was told that if he could not command his vessel measures would be taken to carry the sentence into effect. The result was that the crew had to run the condemned man up to the yardarm in sight of the whole fleet, and, as St. Vincent remarked, 'discipline was preserved.'[1]

There were also sporadic outbreaks of mutiny at the Cape, and on board various ships at other stations, in 1798, 1800 and 1801, the last serious case being in December, 1801, on board the *Temeraire*, on being ordered to sail for the West Indies. Gradually the mutinous spirit died down, luckily never to emerge again on such a scale. Wherever large bodies of men are gathered together in a small compass there will always be some discontent, but with firm, and fair, treatment it is inconceivable that it should ever again rise to such a pitch as in the mutiny of 1797.

T. F. Donald.

[1] See Tucker's *Memoirs of St. Vincent*, i. 103.

Reviews of Books

THE PLACE OF THE REIGN OF EDWARD II. IN ENGLISH HISTORY. Based upon the Ford Lectures delivered in the University of Oxford in 1913. By Professor T. F. Tout. Pp. xiv, 421. Med. 8vo. Manchester University Press. 1914. 10s. 6d. net.

THIS book is an expansion of the Ford Lectures delivered in Oxford in 1913, and may be taken as the pattern of the research-work of what may be fairly called the 'Manchester School.' It will be welcomed by all scholars. At first, indeed, one is slightly disappointed as one reads; this or that piece of constitutional work, we are told, has yet to be done, which here one expected to find done. But Professor Tout is giving us a pioneer book, explaining the general features of Edward II.'s reign in true perspective, and himself taking the 'wardrobe' as his special work in research, while colleagues and old pupils—and others who are not of Manchester—are working and have given or are going to give the results of their finds. This, then, is a central authoritative work round which other special books of research may be grouped.

Hitherto we have all been much under the influence of Stubbs. We have thought highly of Edward I., accepting him at his face value, and reprobating the action of Bigod and Bohun in 1297; we have pictured a king with a noble ideal of a royal prerogative exercised for the benefit of the whole of England in order to break down the selfish obstinacy of the barons, who called for a Confirmation of the Charters only because they saw their chance of thwarting him in the midst of his French and Scottish troubles. We have extended a certain amount of sympathy to Edward II., for he had no chance of following in his father's steps when the brutal Ordainers opposed him. This volume reminds us that the father's complete success would have created an autocracy more deadly to England than the partial triumph of the barons. In particular, a complete royal control of the nation's finances, established by means of the wardrobe to the detriment of the exchequer, would have influenced all subsequent history; Edward I., in his second Welsh war, passed £200,000 through the wardrobe, and his finances were badly tangled during his last few years, so that he was himself practically bankrupt and left his son in an intolerable position, for the war in Scotland had to be spasmodic because it was so expensive. Thus even a Lancaster and a Warwick were justified in proposing ordinances to check royal aggrandisement.

Throughout the reign we are reminded that the war against the Scots and the peculiar rights of most English barons as marcher lords in Wales are at the back of the constitutional struggle in England.

Ordainers on the one side, Royalists or Curialists on the other, get the upper hand as affairs in Scotland or Wales cause this or that baron to throw in his lot with the one party or the other; conversely, the constitutional struggle influences the Scottish war, for the brutal murder of Gaveston sent, not only Aymer of Valence and young Gloucester, but even Hereford, to the king's support, and made the Bannockburn campaign possible. But the need of ordinances for the king's household is always apparent, and a middle party of reformers, Aymer being at their head and exercising the best influence during the reign, brought about the 'treaty' of Leake, by which a standing council was appointed to make the Ordinances effectual. And so we proceed to the failure of this middle party, the second rise to power and the second collapse of Lancaster, the temporary power of Despenser, and the final scene. The personal influence of the chiefs and the minor characters, the need of reform, and the impossibility of an adequate scheme when there was no great man living, are clearly shown.

The chapters on the general features of the reign are followed by details of the household, the chancery, and the exchequer; and appendices are added giving the names of officials. A separate chapter is devoted to 'The Origins of the Staple,' and this is one of the most interesting parts of the book. But we come back inevitably to the estimate of the reign of Edward I. as influencing that of Edward II., the embroilment with Scotland and the parallel troubles with the English barons, the effort of each king to control the finances by strengthening the Household and weakening the national departments of governments, and the need of ordinances even if the Ordainers were selfish and brutal.

J. E. Morris.

Shakespeare's Environment. By Mrs. C. C. Stopes. Pp. xii, 369. Demy 8vo. London: G. Bell & Sons, Ltd. 1914. 7s. 6d. net.

This is a collection of some thirty papers contributed for the most part to various periodicals during the last ten years, and now supplemented with several pages of notes. Mrs. Stopes has long had an honoured place among the seachers of records that offer any chance of increasing our knowledge of Shakespeare's life, and she has been well advised, in the interests of Elizabethan scholarship, to give in more permanent and accessible form the remarkable wealth of detail which these papers contain. The volume is a welcome sequel to her *Shakespeare's Family* and *Shakespeare's Warwickshire Contemporaries*. Much of it has no direct connexion with Shakespeare; but such sections as deal with 'Early Piccadilly,' 'Sixteenth Century Locks and Weirs on the Thames,' 'Jane, the Queen's Fool,' and 'Elizabeth's Fools and Dwarfs' have unmistakable value as contributions to the history of the conditions amid which he lived, and the section on 'Sixteenth Century Women Students'—the longest in the volume—is the fullest account yet written of the early stages of women's education in this country. 'The True Story of the Stratford Bust,' with its two lengthy notes now printed for the first time, cannot well be neglected in any inquiry into the problem of Shakespeare's physiognomy. The paper on 'William Hunnis, Gentleman

of the Chapel Royal,' is the first sketch of what was ultimately published in 1910 under the title *William Hunnis and the Revels of the Chapel Royal*, but it was worth reproducing, if only because it was the 'first paper ever printed on Hunnis.' And the two papers on Burbage contain much of the matter that was embodied in 1913 in *Burbage and Shakespeare's Stage* (*S.H.R.* xi. 102).

Mrs. Stopes takes the opportunity of rebutting the assertion of Professor Wallace of the University of Nebraska that she was indebted to him for some of her facts, and all who know the character of Mrs. Stopes's work will not expect Professor Wallace to be able to make good his case. It is a misfortune that the valuable work of the American searcher should be disfigured by petty claims to priority of discovery. When these claims affect the credit of others they cannot be wholly ignored, and this is evidently a reason why Mrs. Stopes—in addition to saying 'Neither then, nor at any time, did he ever tell me anything that I wished to know'—has reprinted in their original form three papers that as a whole have less value than her subsequent books on the same subjects.

D. Nichol Smith.

More About Shakespeare 'Forgeries.' By Ernest Law, B.A. Pp. 70. With Four Facsimiles of Documents. Sm. 4to. London: G. Bell & Sons, Ltd. 1913. 3s. 6d. net.

This is a sequel to Mr. Ernest Law's *Some Supposed Shakespeare Forgeries*, which we reviewed in 1911 (*S.H.R.* ix. 88). The earlier volume is now generally admitted to have freed the memory of Peter Cunningham from the stigma of forgery. But it disturbed the settled convictions of a critic who wrote to the *Athenæum* under the signature 'Audi Alteram Partem'; and a lengthy correspondence ensued, the effect of which was that Mr. Law's case was made even stronger. Mr. Law has now collected his share in this correspondence, and reinforced it with 'Supplementary Remarks,' and illustrated it with three pages of photographic reproductions. There is much good polemic in his volume—too much, some may think; but it does not detract from the soundness of the evidence, or affect the justice of the verdict.

It may be recalled that since Mr. Law's book was published, we have induced 'Audi Alteram Partem' to remove the mask (*S.H.R.* xi. 231).

D. Nichol Smith.

The Government of Man: An Introduction to Ethics and Politics. By G. S. Brett. Pp. xiv, 318. Crown 8vo. London: G. Bell & Sons., Ltd. 1913. 3s. 6d. net.

The object of the author is to give an introductory account of the conditions under which practical ideals have been formed; he feels that the ordinary teacher has seldom time to supply 'a background for the continuous development of theories.' Accordingly, he makes the attempt to provide the requisite data under the heads of 'The Ancient World,' 'From the Ancient to the Modern Times,' and 'Modern Developments.'

But it is no easy task to sweep from the primæval 'herd' or 'pack' to the Utilitarianism of Mill, even if attention is fixed only on 'subjects most akin to political and ethical problems.' The author deliberately curtailed the historical side of his book, and, though he has attempted to fill the gaps with a number of very sensible chronological tables, he has committed himself to a number of sweeping generalisations. These are too slender to support any large superstructure of philosophic theory, and the section on the Middle Ages, particularly, reveals an insufficient acquaintance with the results of modern research.

The professed object of the book being 'background,' an historical study of the various periods might have been more valuable than a detailed examination of selected writers and their works, and the author's aim would have been better fulfilled if he had brought his philosophical facts and theories into relation with some working hypothesis. Anxious to avoid bias, however, he has avoided hypothesis, and the moral of his book, though he tells us that it is only latent, is often hard to discern. To the average reader the unity of the work is marred by the fact that each successive philosopher examined tends to become the point of the discussion. Central principles appear to be unduly neglected, and when so short a book covers so long a period, central principles are vital.

The author's claim to be unbiassed is justified by the impartiality of his judgments; he has collected some interesting material and has suggested some interesting parallels between the old world and the new, but it is questionable if there is scope for such a book as his. Though not very technical it would be difficult reading for the ordinary man, while for the specialist it is too slight. Even as a supplement to a course of philosophical lectures its value is prejudiced by the vagueness of its history.

J. D. Mackie.

The Chronicle of Novgorod, 1016-1471. Translated from the Russian by Robert Michell and Nevill Forbes, Ph.D., with an Introduction by C. Raymond Beazley, D.Litt., and an Account of the Text by A. A. Shakhmatov. Camden Third Series, Vol. XXV. Pp. xliii, 237. 4to. London: Offices of the Society, 6 and 7 South Square, Gray's Inn, W.C. 1914.

The oldest bridge in Paris is the *pont neuf*; *New* College is one of the oldest colleges in Oxford, and the oldest city of Russia, older than Moscow, or Kiev, or Smolensk, is called *New Town*—Novgorod. Rurik the Viking is said to have occupied this city in 862 A.D., but we reach solid ground only with Vladimir the Great, who married the sister of the Emperor Basil II. and became the first Christian prince of Kiev and Novgorod. His conversion took place in 998.

In one of the churches of Novgorod the clergy kept a chronicle from the time of Canute to the middle of the fifteenth century. A copy of this in the Synodal Library at Moscow, hence called the *Synodal Transcript*, is here translated into English for the first time. The form of the book is eminently scholarly in its Notes and Index, its Introduction and Bibliography. Unfortunately it is almost impossible to follow the narrative with

interest in the absence of genealogical tables, which, however, it is not difficult for the student, with the help of the Index, to construct for himself.

During the whole of the Middle Ages, Novgorod was the largest and wealthiest city of North-Eastern Europe. It was a centre of commerce and a governing state, its dominions reaching to the White Sea and beyond the Ural Mountains. Though owing some recognition of supremacy to Kiev and later to Suzdal, it was really an independent state. It may be called a Crowned Republic, having always a prince (Knyas) of the House of Vladimir, often a younger son of the Grand Prince of Kiev, sent to them at their request. Sometimes this prince was deposed, and the Grand Prince would be asked to send another son.

This prince was the leader in war, but the civil government of the city was in the hands of an elected mayor. The church was ruled by an archbishop, who originally required confirmation from Kiev, but at a later period did without this formality. When the prince was a victorious general, as in the case of Alexander Nevski, so called from his victory over the Swedes on the Neva, he was also very powerful at home, but generally the tenure of the office seems to have been very insecure, though they never seem to have thought of doing without a prince, or choosing one of any other dynasty. When the rest of Russia was devastated by the Tartars of the Golden Horde, Novgorod alone was spared on payment of tribute, though for about a century the election of a prince had to be confirmed by the Tartar sovereign.

The chronicle relates the changes of prince, mayor, and archbishop. It records the foundation of the great church of St. Sophia, which was for the people of Novgorod what its namesake at Constantinople was for the Greek Church, and St. Peter's for the Roman Church. It tells of the building or rebuilding of many other churches. It records plagues, famines, fires, earthquakes and eclipses. Among these last is the great eclipse of 20th March, 1140, mentioned in the *Anglo-Saxon Chronicle* and by Matthew Paris. It tells of wars against Swedes, Letts, Poles, Finns, and Ugrians, and the whole story leaves on the mind a vivid picture of a virile, sensible, though somewhat turbulent community, deeply attached to its city and to its church, and ready to fight under its prince or to resent any encroachment by him on its privileges.

There are but few notices of foreign events. The most notable cases are the Latin Conquest of Constantinople by the Franks in 1204, and the Battle of the Tannenberg in 1410, where the insurgent Germans of Prussia, assisted by Jagellon of Poland and the Grand Prince of Lithuania, defeated the Teutonic knights and killed their Master, subsequently besieging Marienburg in vain for eight weeks.

The former account does not differ in any marked degree from those of Villehardouin and Nicetas as paraphrased by Gibbon, though the last named author does not mention that under the altar cloth of Saint Sophia 'they found hidden forty barrels of pure gold.'

The chronicle closes with the year 1446, thus not reaching the Fall of Constantinople in 1453, though the last important incident related is the

defeat and capture by Mahomet II. of the Grand Prince of Novgorod. A passage from a later chronicle, written by a cleric who had no sympathy with the city, details how, under the influence of the Hansa, the people of Novgorod had fallen away into Latinism and had made a secret treaty with the King of Poland, and how the city was conquered by Ivan III., the Czar of Muscovy, and this closes a fascinating volume. The population of Novgorod, at the height of its prosperity, has been estimated at 400,000; at present it is a town of little over 20,000 inhabitants, where the old cathedral and some fine churches alone attest its former greatness.

H. A. Nesbitt.

Ancient Church Dedications in Scotland—Non-Scriptural Dedications. By James Murray Mackinlay, M.A. Pp. xxxvi, 552. Demy 8vo. Edinburgh: David Douglas. 1914. 12s. 6d. net.

In 1904 the author published his first volume dealing with Ecclesiastical Place-Names. In the succeeding ten years he has continued his researches in Scottish hagiology, issuing in 1910 a work upon Ancient Scriptural Dedications of Churches in Scotland, and now completion is reached by the treatment of Non-Scriptural titulars. The present volume, like its predecessors, is a storehouse of information gathered from widely scattered sources. The details are encyclopedic, for pious founders and others were ready to place churches under the invocation of saints from all quarters of the world. Co-ordination is obtained to some extent, however, by grouping the various titulars in chapters by nationality, so far as ascertainable, and leaving the obscure saints to form the last chapter. The preponderating influence of the early Irish missionaries upon the planting of Christianity in Scotland is evidenced by the eight chapters devoted to churches under the invocation of saints of Irish birth who were in most cases the founders of these churches. Beginning with St. Columba and ending with dedications to St. Maelrubha, sixty-eight Irish saints are enshrined in Mr. Mackinlay's pages, and probably more Irish titulars may yet occupy empty niches, as there are cases of dedications of churches being still unknown or uncertain. For instance, the titular of the parish church of Blairgowrie has hitherto evaded the scrutiny of the hagiologist.

In treating of St. Serf, the author, following the Aberdeen Breviary, postulates the existence of two saints of the same name. This is more than doubtful, as the late M. Amours has shown in his judicial discussion of the question.[1]

An interesting proof of the ecclesiastical influence of the connexion of Scotland and France is brought out by the fact that the fourteenth century French saint, St. Roque, had five chapels under his invocation, while in England he was almost unknown. These chapels were at Edinburgh, Glasgow, Paisley, Stirling, and Dundee. The Glasgow chapel has survived in the place-name St. Rollox.

In his remarks upon St. Francis and his Order, the author repeats an error of the editor of the second volume of *Monumenta Franciscana*, who

[1] *Proceedings of the Royal Philosophical Society of Glasgow*, vol. xxxvii. p. 15 ff.

calls William Melton, of the Order of Friars Minor, *Professor of Holy Pageantry*. The words are *Sacre pagine professor*, the equivalent of the usual S.T.P., Doctor of Theology.[1] The point acquires some importance, as owing to the mis-translation, undue stress has been laid upon the alleged special encouragement and organization of religious dramas by the Franciscans.

We think that Mr. Mackinlay does not give due weight to the authority of Fordun, Bower, and John Major, when he states that there is reason to believe that the parish church of Haddington was the Lamp of Lothian. Local research has confirmed the claim of the Friars' church. Fordun calls it 'their stately church, a most costly work, of wondrous beauty, and the one pride of all that country.' Bower amplifies the statement, explaining that the epithet 'Lucerna Laudoniæ' was applied to the church of the Friars' Minor, 'ob singularem pulchritudinem et luminis claritatem.'

The author has done a service to Ecclesiologists by completing in this and his preceding volume a study in a field which, in Scotland, has hitherto lacked a comprehensive survey. It is a boon to have these dedications gathered together, and viewed in relation to the sacred buildings and local surroundings to which they were attached. The work is furnished with a full bibliography and index.

JOHN EDWARDS.

THE CORRESPONDENCE OF JONATHAN SWIFT, 1733-37, 1737-44. Vols. V. and VI. Edited by F. Elrington Ball, Hon. Litt.D., Dublin. With an Introduction by The Right Rev. J. H. Bernard, D.D., Bishop of Ossory, Ferns, and Leighlin. Vol. V. pp. xvii, 466; Vol. VI. pp. xv, 388. With Six Illustrations each. Demy 8vo. London: G. Bell & Sons, Ltd. 1913 and 1914. 10s. 6d. net each.

THESE two volumes conclude this very remarkable series of the correspondence of the 'Great Dean.' Admirably collated and edited, they, like their predecessors, throw much light upon Ireland and its political connection with England during the early part of the eighteenth century. In 1733 we notice the beginning of the Dean's illness, but his correspondence with the Duchess of Queensberry and his old friend, Lady Betty Germain, continues as lively as before. His frugality is exemplified by the following passage: 'When I ride to a friend a few miles off, if he be not richer than I, I carry my bottle, my bread and chicken, that he be no loser.' There are several short but familiar letters to Mrs. Dingley, and in one of them, in 1734, he says: 'I am tolerably well, but have no security to continue so.' Next year Lady Betty announced the marriage of her brother George Berkeley to her friend Lady Suffolk: 'She is indeed four or five years older than he, and no more,' and wrote that if they were not happy, 'I shall heartily wish him hanged, because I am sure it will be wholly his fault.' In spite of his serious illness, Swift had still spirits to dabble in nonsense, and this the jargon letters of his friend Sheridan (here is a

[1] Toulmin-Smith, *York Mystery Plays*, xxxiv. Note 3; Little, *Grey Friars at Oxford*, 259.

phrase: 'I nono nues offa ni momento ritu') sufficiently prove. Pope still sent him Court gossip, and he himself occasionally, even now, wrote good letters.

In the last volume we find that Mrs. Dingley still received an annuity. The Dean grew kinder to his dependents as his illness grew worse. He realised his sad future; in 1740 he wrote to Mrs. Whiteway: 'I hardly understand one word I write. I am sure my days will be few: few and miserable they must be. I am for these few days, yours entirely.' He was declared of 'unsound mind and memory' in 1742 as we see, and this once great wit lingered on—'Miserrimus,' as he knew himself to be—in a piteous state until his death in 1745. These volumes are a worthy monument to him in his most splendid days.

A. Francis Steuart.

Fornvannen, meddelanden från K. Vitterhets Historie och Antikvitets Akademien. 1913. 332 pp. Upwards of 250 Illustrations. 8vo. Stockholm: Wahlstrom and Wedstrand. 1914.

The issue of the *Transactions* of the Royal Academy of Sweden for 1913, of which former issues have been noticed in this *Review*, contains four important papers by well-known Swedish archæologists. In the first of these Dr. Oscar Montelius, *Emeritus* Royal Antiquary, discusses the question of the time when iron came into common use (*När började man allmänt använda järn?*); and this, after an elaborate study, he assigns, in Scandinavian countries, to not later than the seventh century B.C.; and, in the case of France and England, to 800 years B.C. In the case of Egyptian civilization he considers that the use of iron was common even before the nineteenth dynasty, say at least 1200 years B.C.

The island of Gotland in the Baltic, the medieval antiquities of which, ecclesiastical and secular, are perhaps better preserved than are similar remains anywhere else in Europe, comes in for a careful investigation of the sequence in dates of its old churches (*Bidrag till Gotlands-Kyrkornas Kronologi*), by Herr Emil Ekhoff, the editor of the volume, carefully illustrated by architectural details. The 'Stone Age in Blekinge,' by Sigurd Erixon, is an exhaustive treatise, of much interest for British archæologists, by way of comparison and contrasting of similar relics of the Stone Age in our country. In pottery, especially, the divergencies in design and pattern are very noticeable. The concluding article, *Freykult och djur Kult*, by Helge Rosén, analyses the legendary and historical bearings of the *kult*, or veneration, of Frey and of animals, notably of the boar (*Svin*), which is usually associated with that northern deity.

The additions to the State Museum, and to the Collections of Coins for the year, are of very varied descriptions and of great interest.

The Annual Report of the Academy, submitted by Dr. Bernhard Salin, contains a notice of the death, *inter alios*, of Dr. Hans Hildebrand, formerly Royal Antiquary of Sweden, an honorary member of the Society of Antiquaries of Scotland, and Rhind Lecturer in Archæology in Edinburgh in 1896, when his subject was the 'Relations of Britain and Scandinavia'—the lectures delivered in English.

An appendix in German, containing a brief *résumé* of some of the papers, and other pertinent information, completes this excellent yearly volume of the Swedish archæologists.

GILBERT GOUDIE.

STORY AND SONG FROM LOCH NESS-SIDE: BEING PRINCIPALLY SKETCHES OF OLDEN-TIME LIFE IN THE VALLEY OF THE GREAT GLEN OF SCOTLAND. Pp. vii, 330. With Frontispiece. Crown 8vo. Inverness: The Northern Counties Newspaper and Printing and Publishing Co., Ltd. 1914. 5s.

THIS book tries to bring home to us the life in former times in 'the valley of the great glen of Scotland,' and particularly in Glenmoriston, formerly one of the possessions of the Macdonalds, afterwards of a branch of the Grants, descendants of a natural son of Am Bàrd Ruadh. There is the quaint Gaelic saying,

'Fair Glenmoriston,
Where the dogs wont eat candles' (because there were no candles there!),

and the author tells us a great deal of history and tradition about this beautiful if remote glen, to which the civilisation of the south permeated only slowly. The place-names are searched for their lore, the bards' songs are printed in extenso—and Glenmoriston was famous for its bards—for the delight of the Gaelic readers. Baptismal and marriage customs are recounted, and 'hand-fasting,' that Highland custom of which we would like to know more of the rules, mentioned. A toast after a funeral is rendered in English, 'Well, well! many thanks to you, and long may you have a funeral!' Folk-lore of the glen of every kind is dealt with, ghosts and ghost-seeing, the Céilidh in every form. In fact, there is a great deal of local tradition and history recounted in this popularly written little volume.

THE BOOK OF THE OLD EDINBURGH CLUB. Sixth Volume (for 1913). Pp. xii, 164, 23. With 23 plates. 4to. Edinburgh. Printed by T. & A. Constable for the Members of the Club, 1915.

MR. OLDRIEVE contributes a very interesting paper containing a summary of his researches while excavating for David's Tower at Edinburgh Castle, and his views as to the results obtained. The paper is illustrated by a long series of beautifully prepared plates, which show many details, as well as the general aspect of the recovered Tower. Not only Edinburgh Castle but many other historic buildings owe much of their added interest to the care and genius of Mr. Oldrieve in working out difficult problems.

Mr. William Angus writes on the Incorporated Trade of the Skinners of Edinburgh, with Extracts from their Minutes, 1549-1603, and Mr. John A. Fairley has prepared another series of Extracts from the Original Records on the Old Tolbooth.

The Old Edinburgh Club continues to do excellent service in printing these papers on the life and trades and buildings of the capital in former centuries. They are of great interest in the present day, and will be a

valuable mine of information for the historian of the future. Its six volumes are characterised by a broad treatment, as well as knowledge of detail, and show no sign of the narrow parochial spirit which tends to lessen the value of some volumes containing local records. We wish it continued success in the future, and hope that the well-known Edinburgh Institution which recently gave unintended amusement by printing on the title-page of one of its publications, *Edinburgh, N.B.*, will study these volumes.

The Manchester School of History has again made English medievalists its debtors by publishing, under Professor Tait's editorship, an admirable translation by Mr. W. T. Waugh of the second volume of M. Petit-Dutaillis' *Studies and Notes supplementary to Stubbs' Constitutional History* (Pp. 170. Medium 8vo. Manchester: University Press. 1914. 4s. net). While not rivalling in variety or in purely constitutional interest the previous volume (favourably reviewed in *S.H.R.* vi. 296), the two studies embraced in the present volume are both valuable. That on the *Causes and General Characteristics of the Rising of* 1381 is an admirable, judicial summing up of recent fertile discussions, while the essay on *The Forest* is more than this, correcting and supplementing previous writers by the results of M. Petit-Dutaillis' own researches.

Professor Sanford Terry on *Treitschke, Bernhardi and Some Theologians* (8vo, pp. 32. Glasgow: MacLehose. 1915. Price, 3d. net) replies vigorously to the protest of German professors that Germany was driven to take the sword in defence, despite her ideal, which was 'peaceful work.' We welcome this contribution to the history of the causes of the war.

The Annual Report of the American Historical Association for the year 1912 (pp. 734, 8vo. Washington, 1914) is a well-stocked tome, which, besides its mass of professional and scholastic materials about historical teaching and method and about public archives, contains as usual many specialist contributions. Among these the chief and largest is an edition in extenso of the letters of William Vans Murray, American Ambassador at the Hague, addressed to John Quincy Adams, from 1797 until 1803, as well as a number of items of his communications to other correspondents. His mission to the Hague (1797–1800) and his subsequent position as Minister to France (1800-1801) brought him into touch with the great circle of European affairs. This touch as regards Napoleon was a little distant, but there are incidents and allusions piquant enough. In January, 1800, he reports that 'they quote Washington as the role for Bonaparte.' A few weeks later Bonaparte 'crapes the colours for ten days in all the armies of the republic in honour of General Washington.' By the end of the year we read of pamphleteering parallels between 'Cromwell, Cæsar, Monck, and Bonaparte.' His place 'on the top of the pyramid' in a scheme for three species of noblesse or merit surmounted by a consul, was due in part to the fact that the executive had hitherto been 'in a line too perpendicular with the people.'

Murray's letters occupy pp. 343-715: they are unobtrusively but efficiently edited by Mr. W. C. Ford, and the space allotted to their vivacious and very discursive variety is well bestowed. Apparently Mr. Ford passes without comment a reference by Murray (p. 681) to 'a Scotch author,' Volusinus (*sic*) *de Tranquilitate animi*—a work in which he professes he found much good. This author, of course, was Florence Wilson (see *S.H.R.* x. 122). Allusions to current great events are numerous. 'Is not the Hero of Italy beaten by Nelson? We hear so.' This, written on 14th August, 1798, is the first mention of the battle of the Nile. A dry sentence concludes a letter on 18th September, 1798—'I see the French are prisoners in Ireland.' This genial and accomplished ambassador wrote leisurely and ample letters, which probably will be reckoned of more moment as observations of a cultivated gentleman abroad than as the record of a forceful or intriguing diplomatist. His eyes were open for his world.

The volume embraces also many short essays, among which may be signalised Mr. Henry O. Taylor's sketch of the 'Antecedents of the Quattrocento,' an estimate of the scholarship of the late thirteenth and early fourteenth centuries; Mr. Henry P. Biggar's survey of the Columbus problems, and Mr. Carl Becker's rather difficult pronouncement on 'The Reviewing of Historical Books.' The latter has a typical illustration of a conclusion he does not himself draw—(viz. that a successful criticism after all is primarily literature, even when it is also history)—when he contrasts the failure of Aulard as critic of Taine with the triumph of Brunetière in the same task a quarter of a century before. Still, is a criticism which gives information not the wisest ideal for the historical reviewer?

The Juridical Review for December has the season to excuse the departure from sobriety in its article on Sir Gregory Lewin as a comic law reporter.

Aberdeen University Library Bulletin for October includes the first instalment of a concise bibliography of the history, topography, and institutions of Inverness burgh, parish, and shire. Magazines, maps, and views are dealt with. The design is excellent. It is evidently more or less in the air of Aberdeen at present, as at the same time we have received from the Aberdeen Public Library a *Catalogue of the Local Collection* in the reference department. Mr. G. M. Fraser, the librarian, suggests that the catalogue gives a fairly correct and comprehensive notion of the extent and character of the literary history of the shires of Aberdeen, Banff, and Kincardine.

The Proceedings of the Ontario Literary Association for 1914 show that all the professional aspects of library movement in Ontario are vigilantly regarded. It is pleasant, too, to read that the annual meeting 'ended with the singing of "God Save the King."'

The Caledonian (New York) for December is full of the war. Concurrent interests in war and literature are met by a paper on *Wordsworth's Patriotic Poems and their Significance To-day* by Dr. F. S. Boas. It forms English Association Pamphlet No. 30. Its propositions have sent at least

one reader back with zest to Wordsworth to note with some surprise how near the case of Spain under the hoof of Napoleon runs to the parallel of Belgium now. The issue for January, with many portraits of soldiers, statesmen and sailors, strikes the patriotic note throughout.

In the *Maryland Historical Magazine* one of the Rev. Jonathan Boucher's lively letters, dated 25th February, 1777, has a reference to the disaster of Trenton in December, 1776, when Washington surprised and captured 1000 Hessians. 'Another sad Cloud has again overcast our American Atmosphere: this Check & Defeat of the Hessians & the Manner of it are all exceedingly against us.' On 18th October he writes in very different strain. 'Great News at last from America. The Howes have been roused from their Lethargy.' He calls it 'this Torrent of glorious News.' The allusion is to the Howes' victory at Brandywine (11th September, 1777). The torrent of glory, however, did not last.

Notes and Communications

CHARTER BY SIR WILLIAM KNOLLIS, Preceptor of the Hospital of St. John of Jerusalem, Torphichen, to Bartholomew Johnson of Northbar, of the Temple lands of Tucheen, Inchinnan, dated 30th June, 1472.

William Knollis, of the Order of St. John of Jerusalem, Preceptor of Torphichen, first appears in the Exchequer Rolls in 1469 as holding this office and that of Treasurer to King James III. Six years earlier a William Knollis, presumably the same individual, obtained from Edward IV. a safe conduct valid for a year to enable him, along with the Bishop of Aberdeen (Thomas Spens) and other Scotsmen, nine in all, to pass through England with twelve attendants. He was living at Bruges and employed in public business there in 1468-9. He was tutor in 1493 to John Stewart, third son of James III., apparently having charge of the education of the young prince. Many other notices of him occur in the Acts of the Lords Auditors and other records of Scotland, from which his importance as a public man may be gathered. He did not fall at Flodden, as is frequently stated, but is said to have died before 24th June, 1510. Sir George Dundas was his successor in the preceptorship. An interesting Charter by Sir William Knollis, dated June 10, 1493, is to be found among the Duntreath manuscripts. An Abstract of it is given in the Historical MSS. Commission Report, Various Collections, vol. v. p. 84.

Tochquhone or Tucheen appears in a Precept of Temple lands dated March 18, 1584 as Tolquhinhill and Ferryyaird. It was part of the Temple lands of Greenend, Renfrew. The Knights of St. John had no preceptory here, but merely a 'Camera' for collection of revenue. House of Hill or Northbar, an old mansion now belonging to Lord Blythswood, is built upon these Temple lands.

Translation.

To all who shall see or hear this charter Brother William Knollis Knight of the order of Saint John of Jerusalem preceptor of the hospital of Torfichin Eternal salvation in the Lord: Know ye that we have given granted assigned and in feu farm devised and by this our present charter confirmed to our lovite Bartholomew Johnson of Northbar All and Whole our temple lands of Tochquhone with their pertinents lying in the lordship of Inchennan within the regality of Renfrew Which lands with their pertinents belonged in heritage to a noble lord Robert Lord Lyle and which the said lord through his procurator *ad hoc* legally and

...ib⁹ mil⁹ ordinis b⁹ati Johannis Jerosolimitani
...Noverit⁹ nos dedisse concessisse assignasse et
...holomeo Johis de Northbu- omib⁹ et singlis
...de Inchenan mis⁹ in regalitate de Renfrew
...quas idem dnus per suum procuratorem ad hoc
...ius testib⁹ resignauit de totis jur⁹ et clameis
...et sen quismodo habit⁹ potuit in futurum pro
...omeo et singlis p̄d̄is terris ac ter-
...tiis de nobis et successorib⁹ nris p̄ceptoris
...suas antiquas et diuisas in moris meiratis

specially constituted resigned into our hands at Torfichin before soothfast witnesses and all right and claim property and possession which he had or in any manner could have in future in or to the said lands with their pertinents for himself and his heirs he entirely quit-claimed for ever To be held and possessed All and Whole the said temple-lands of Tochquhone with pertinents by the foresaid Bartholomew his heirs and assignees of us and our successors preceptors of Torfichin in fee and heritage for ever by all their just ancient marches and boundaries in muirs mosses ways paths waters ponds meadows parks and pastures hawkings huntings and fishings with the common pasture to the said lands with pertinents and with free ish and entry to the same and with all other and singular liberties commodities profits and easements and their lawful pertinents whatsoever as well unnamed as named as well underground as above ground as well far as near effeiring to the said lands or having force to effeir in any manner whatsoever in future As freely quietly peaceably fully justly and honourably in all and through all as the said Lord Lyle held had or possessed the said Temple lands with pertinents before the said resignation then made without any retention or contradiction whatever: The foresaid Bartholomew his heirs and assignees rendering therefrom yearly to us and our successors preceptors of the said house seven shillings of the usual money of Scotland at the two usual terms of the year namely the feast of Pentecost and of St. Martin in winter by equal portions along with due and customary services: In witness whereof the common seal of our office is affixed to this our present Charter at Torfichin upon the last day of the month of June in the year of Our Lord 1472.

Seal.

JOHN EDWARDS.

CARDINAL BELLARMINE. The controversies between James VI. and Cardinal Bellarmine are well known, but until the publication of the correspondence of the latter (Bachelet, *Bellarmin avant son Cardinalat*, 1542-1598, Paris, 1911) students of the period were probably not aware that in the year 1582 a prospect opened of personal relations between the future opponents. On 26th September of that year Father Parsons wrote from Rouen to Aquaviva, General of the Jesuits: 'De Italo quem petunt, V. P. videat quid statuendum sit; vir mediocris his rebus satisfacere non potest, et scio aptissimos vobis vestrisque ibi rebus tam necessarios esse ut non possint nobis concedi. Quid ergo faciendum erit vobis relinquimus cogitandum: praestat sane non mittere, quam non idoneum, quia laedet plurimum tum totius causae tum maximi Societatis existimationem: plura enim multo ab eis expectabunt quam a nobis qui angli sumus. Si Pater Achilles venire posset, opinor, commodissimus. P. Bellarminum non audeo postulare; P. Ferdinandus non mihi displicet propter alia quae in illo sunt praeter eruditionem. . . . Iterum scribunt de Italo quem apud Regem Scotiae tanquam linguae Italicae praeceptorem esse vellent. Si mittatur aliquis, veniat ad domum praedicti Archidiaconi Rhotomagensis, ubi omnia parata inveniet, et accuratam a me directionem. . . .' This letter is interpreted by Bartoli as a discreet and veiled reference to the

desirability of having a Jesuit Father in attendance upon the young King of Scotland (*op. cit.* 130), and it will be observed that the name of Bellarmine is suggested. D. B. S.

SCOTTISH FAMILY HISTORIES. We have pleasure in calling attention to the following letter from Sir James Balfour Paul:

LYON OFFICE,
H.M. REGISTER HOUSE, EDINBURGH.
March, 1915.

SIR,

I am at present engaged in compiling a bibliography of Scottish Family Histories. There is not much difficulty as regards those that have been published, but a great many have been privately printed, and though I should hope that the majority of these have found a place in the library of the Lyon Office, it may well be that some of them are unknown to me. I should therefore be much obliged if any of your readers who may know of such privately printed works would send me their titles. As the library is open to all workers on pedigrees it would be a public convenience to have as complete a list as possible of privately printed genealogies, family histories, and pedigree charts.

I am, &c., JAMES BALFOUR PAUL,
Lyon.

ARMOUR WORN BY JAMES IV. AT FLODDEN. In 1517 Don Antonio de Beatis, in his narrative of a tour in the suite of the Cardinal Louis d'Aragon (*Voyage de Cardinal d'Aragon*, Paris, 1913), wrote of the Imperial palace at Inspruck: 'Dans ce château, il y a un garde-meuble, à l'empereur, rempli de curiosités et d'objets en fer, travaillés avec beaucoup de bizarrerie. Il s'y trouve de fines et belles armures parmi lesquelles, celle du roi d'Ecosse qui fut tué par les Anglais dans un combat qui se livrait en Angleterre' (p. 34). The reference is apparently to the armour worn by James IV. at Flodden four years before. At that date the Emperor Maximilian was assisting Henry VIII. in his invasion of France (*Cambridge Modern History*, i. 481), and was with the English king on 11th August, 1513, when a message of defiance was received from James IV. In these circumstances, the subsequent gift of the vanquished king's armour was appropriate. Is anything known of the subsequent history of the gift? D. B. S.

DAVID DEUCHAR, SEAL ENGRAVER, EDINBURGH. I should be glad of information about the heraldic-library of the Deuchar family who were seal-cutters in Edinburgh at the end of the eighteenth century. They bound their heraldic and genealogical books in a quaint binding of blue brocade and silver. One of them, 'Mr. David Deuchar, Seal-engraver in Edinburgh,' married Christian, daughter of Mr. Alexander Robertson, minister of Eddleston from 1735 to his death in 1773. Who were the others, and what books did they write or print?

A. FRANCIS STEUART.

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Power Traction in Peace and War: a Historical Sketch

THE wheeled vehicle has a long history. Probably the war carriage was the first development of it. We read of Pharaoh's chariots losing their wheels as they drove heavily on the bed of the Red Sea. We read of Jehu, the son of Nimshi, as furious a driver as the greatest offender against the 'speed limit' of to-day, and of the ark of the tabernacle being borne on a new cart. But, doubtless, all the use of wheels in those days was confined to the low-set chariot or the lumbering cart, and for three or four thousand years those who travelled did so, if not on foot, by riding on horse or ass or camel. Time was of little consequence. We read of the divine who divided the Bible into chapters—and not doing it very well—accomplishing the whole work as he moved along on his horse or mule on a long pilgrimage journey to Rome.

Of course the absence of anything that could be called a made road, except where the Romans had done paving work for military purposes, was much against the use of wheeled vehicles, which were lumbering and heavy, and without even a pretence of springs. It may give an idea of the difficulties of wheel locomotion down as far as the beginning of the fourteenth century, to mention that in an old record there is found an order regarding the transit of some military vehicles from Bothwell to Stirling for the siege, and the time allowed in the accounts is from 24th September to 5th October inclusive. And curiously

enough, in an entry at the same time (1301), the word 'hakenei' (hackney) is found in the description :—('per expensis unius hakenei balistas portantis inter Dunbar & Domfras, per ii days, xiid.'). What a difference it would make to-day if a hackney carriage could be hired for a two days' journey for a shilling!

One of the earliest records of a carriage in this country is to be found in the account of a journey made by Queen Elizabeth in a coach that was sent to her from Paris, in regard to which she is found complaining to the French ambassador that her body was full of 'aches and pains for days,' caused by her first ride of two hours through London. And for more than two hundred years there was little improvement. He who desired to move about in or near London, sought the river, to travel smoothly by barge, if the Thames passed anywhere near his place of destination. So much was this the case that when the use of carriages became more common, the crowd of bargees were brought to ruin. As their poet laureate, John W. Taylor, says for them :

> 'Carroches, coaches, jades and Flanders mares,
> They rob us of our shares, our wares, our fares;
> Against the ground we stand and knock our heels,
> Whilst all our profit runs away on wheels.'

Mainly by the efforts of these wherrymen, a royal proclamation was made, declaring that 'No hackney carriage or hired coach be used or suffered in London or Westminster, or the suburbs thereof.' Then, and for long after, a journey by road must have been a terrible experience. Given the best of weather, such a journey as from Edinburgh to York could not be accomplished in less than eleven or twelve days, and those who had to travel from London to Dover had to give up two days to the journey.

So far down as 1671 Sir Henry Herbert declared, without dissent, in the House of Commons: 'If a man were to propose to convey us regularly to Edinburgh in coaches in seven days, and to bring us back in seven more, should we not vote him to Bedlam'!

Far into the eighteenth century the road and the road vehicle were unspeakably bad, so that a hundred miles in four days was all that could be done, and at the penalty of intense discomfort and fatigue. When later the mail-coach was introduced, matters

improved in some degree, but even then Sir Henry Herbert's seven days between Edinburgh and London was a speed not attainable, until Macadam and Telford came upon the scene, and brought it about that four days and nights—and later three—were sufficient in good weather for that journey. It is amusing to read that this speed was considered dangerous to life, a certain bishop being warned on no account to attempt to make the journey without having a break at York, 'as several people had died of apoplexy caused by the dangerous speed at which these coaches were driven'!

Until the improvement of roads took place in the early years of the nineteenth century, it would have been hopeless to attempt to use power traction. The same carriage which at one part of the journey could be hauled by four horses, at another part of the road or when weather proved bad, required six or even eight horses to force it through the seas of mud, and over the boulders with which the impassable ruts were supposed to be mended. But when the Macadam road was established for all important routes, enterprising people endeavoured in the thirties —and did so successfully—to put mechanically driven carriages on the highways. Steam coaches were run at a speed of ten miles an hour from London to Bath, and London to Birmingham, and in Scotland a steam service was conducted between Glasgow and Paisley. On several other short routes practical services were carried on. But all these enterprises fell before the obstruction of the short-sighted squires and farmers, and the jealous boards of railway directors. Stones were piled on the roads, and ruts cut into them to bring the steam coach to destruction. The squires and farmers hated the railways, but they joined with the railroad directors, and using their power in Parliament, succeeded in getting such monstrous tolls imposed upon the steam vehicles that commercial success was made impossible, and ruin fell upon these ventures, which had proved their efficiency to all but the selfish and the prejudiced.

No other attempt was made until Thomson, who first used rubber tires on road vehicles, and who was the first inventor of the pneumatic tire, put a rubber tired omnibus on the route between Edinburgh and Leith in the sixties. But the police soon laid their paralysing grip upon his enterprise, founding upon the law applied to traction engines, and once again the passenger carriage moved by mechanical power disappeared. No power vehicle was permitted to use the road, except the great

lumbering traction engine, limited to 3 miles an hour of speed, and forbidden to move on the road without having three men in attendance, one of whom was ordained to march in front at forty yards distance, bearing a red flag.

Thus it came about that it is not yet a quarter of a century from the time when power traction began to be developed on roads, and it is but twelve years since the date when a reasonable amount of liberty was granted for its use in this country. Such a time is but short in which to establish a history. Yet the motor movement has already a right to claim a place in history, such as no other development of transit on land or sea attained in less than twice that number of years. And that history was not made without a struggle. The British characteristics—holding on to existing things, and refusing to look otherwise than askance at any novelty—asserted themselves determinedly against the introduction of the motor driven vehicle on our roads.

It is amusing now to recall the things that were said and done when the movement was in its early stages. 'Indignant citizen' wrote letters to the newspapers, denouncing motor traction in unmeasured terms. One such letter contained these words: 'Nothing but absolute prohibition will meet our just requirements.' Such an idea as that power traction could ever become a useful improvement on locomotion was scouted. The autocar was denounced as a sporting fad of the rich. One gentleman plaintively asked, 'Why cannot we be content with the horse that *we can trust* (?)' instead of adopting uncontrollable machines. Indignant protests were made against their being allowed to be used on the roads, and the objectors loudly demanded that if these 'Cars of Juggernaut' were to be used at all, those who used them must have special roads made for their own traffic. Such an idea as that business people would ever adopt power traction for ordinary purposes was rejected as too absurd for consideration. It was freely prophesied that the motor vehicle was a thing born of passing fancy, which would have a short day like roller skating or ping-pong. A friend of the writer, a shrewd sensible man, said seven or eight years ago, in solemn and impressive tones: 'My dear fellow, in another ten years there won't be half the motor cars on the road that there are now'! Evidence was given before Royal Commissions, that eight miles an hour was the highest speed that could be allowed, and that anything higher would have most disastrous results. It was stoutly maintained that the vehicles could never be practical, as

they would constantly break down, and get out of control, that horses would never become accustomed to them, and thus they would be perpetually causing accidents, and destroying the nerves of all other users of the highway.

The newspapers took their tone from the opponents. Everything that could be thought of against the power vehicle was said in acrid terms. The paragraph that in the case of a horse vehicle would be headed as 'Carriage Accident' was in the case of an autocar headed 'Motor Smash,' however trifling the incident might be in itself. The magistracy displayed similar extravagance. Where the drunken carter was fined five shillings, the sober motorist who had left his licence at home, or whose lamp went out, was fined five pounds. The motorist was the Ishmael of the road—every man's hand was against him. If it had been possible to crush him out of existence, it would have been done. For to crush him was a consummation aimed at by a large section of the public, and by very many official persons—police, magistrates, and road authorities. The few who were discerning and saw that there was a great future before the auto-vehicle were alternatively laughed at and scolded, no language of contempt was too cutting, and no words of anger were too strong, when the new invention was to be sneered at or denounced. But the few always felt certain of triumph, and were ready to face a long period of struggle ; although even they did not realise how short a time would elapse before power traction would become the dominant mode of road locomotion.

Gottlieb Daimler of Cannstatt was the father of the petrol motor. The gas engine had been in use for more than a quarter of a century before his invention, but it could not be utilised for road vehicles, as to store compressed gas in a vehicle was both cumbrous and dangerous. But when the idea came to Daimler to carry fuel in the form of a volatile liquid and to draw the gaseous vapour off its surface as required, the difficulty of the gas locomotive was at once solved, and it was seen by some that a revolution in road transit was certain in the immediate future. And so it has been. In Great Britain it is not twenty years since the date when the light motor vehicle was permitted to traverse the roads, and that under such extreme restrictions, that it was quite impossible to use it in successful competition with horse haulage. It was only in 1903 that the bonds were in degree relaxed, and something like reasonable opportunity was given to the power vehicle to compete against animal traction. Who does

not know now that, in the twelve years that have passed since then, it has made a history for itself, a history of obstacles overcome, popularity attained, and overwhelming success in competition against the horse-drawn vehicles of the past? Everyone knows how the croaking prophecies have been falsified, and the raucous denunciations put to silence, how day by day horse traffic is diminishing, and yet the volume of road traffic is increasing, so that the mileage daily run by vehicles upon the road is many times greater than it was on the day when the motor vehicle was given a chance of competing for a share of street and road traffic.

It may safely be said that where twenty miles were run formerly, at least a hundred are run now. And not only so, but the number of vehicles using the road is increased and ever increasing week by week. It may be taken as absolutely certain that, given the same number of vehicles upon London streets as there are now, but that all of them were drawn by horses, there would at busy hours be long lasting and hopeless blocks of traffic. One can remember in the days when there was no power traffic, how at times the string of vehicles in Holborn or the Strand was brought to a dead stand for as much as a quarter of an hour at a time. The writer has had to pay off his cab on one side of the block, creep through below horses' noses to the other side, and try to get another cab to carry him on to his appointment. Such a thing does not occur to-day. Whenever the constable moves aside now, the traffic can flow quickly in the open road which had emptied itself while the hold-up for the cross traffic lasted, and practically very little time is lost, even at the busiest hour of the day. The writer can recall an occasion about twenty years ago, when a block of vehicles took place in Paris, not one vehicle being able to move an inch for five and twenty minutes. Of course Paris was not so cleverly managed as regards traffic as is London, but such a block would never have lasted half that time even in Paris, had the great mass of the vehicles been motor driven.

It may be interesting to refer to some figures which graphically illustrate the extraordinary development which has taken place in less than fifteen years. The writer, who was strong in faith that the power vehicle was the coming king of the road, began in 1900 to take statistics of the private and public vehicles conveying persons, these being taken in London, as being the best test of progress. In that year, if six motor vehicles were seen in one

day on the London streets there was satisfaction. Any less number was a disappointment, and such a figure as ten caused elation. It would be tedious to go over the steps of progress as indicated by the many observations that were taken down. Suffice it to say that at the end of three years there was disappointment if the number of power vehicles did not reach one quarter of the horsed vehicles. Three years later nothing less than one half gave satisfaction. In 1909 practical equality was reached. This is illustrated by figures taken on several days in May of 1909, as follows, the figures applying only to speed vehicles—carriages, gigs, omnibuses, cabs, etc. :

	Power Vehicles.	Horse Vehicles.
May 6th, - -	2,563	2,558
May 10th, - -	1,095	1,096
May 11th, - -	1,345	1,334
May 19th, - -	358	359

These tests were taken all over the busy part of London, west of Charing Cross, and at varying hours of the day, and may therefore be held to give a fair average.

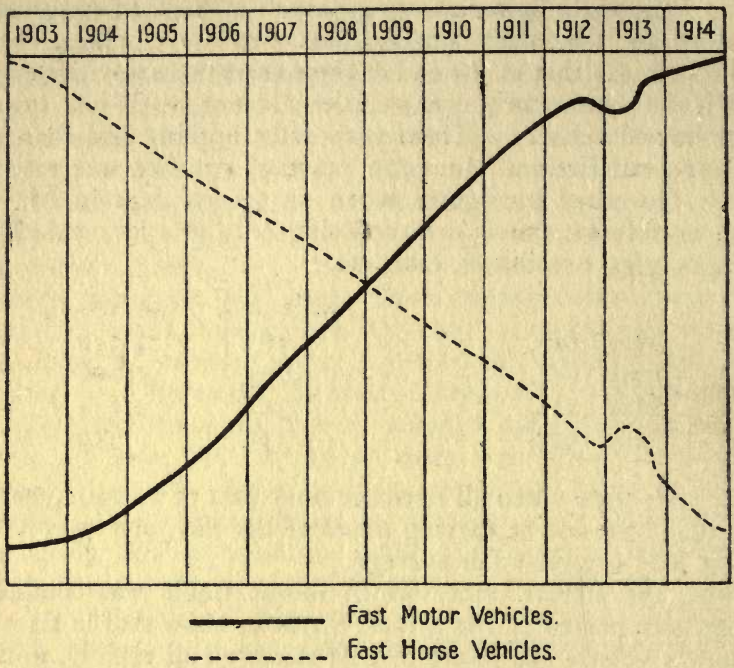
Thus, the statute under which motor traffic was conducted having been passed in 1903, these statistics show that in six years the power vehicle had asserted itself steadily and rapidly, until in May, 1909, there were as many power carriages on the streets as there were horsed carriages. Truly an amazing progress in so short a time, indicating that another six years' time would probably show the power vehicle in absolute predominance. And so it has proved. For in 1915 the horsed traffic has sunk very nearly to zero, as the following figures, taken also in London, show conclusively :

	Power Vehicles.	Horse Vehicles.
March 22nd, - -	600	8
April 14th, - -	600	7
April 15th, - -	600	7
April 22nd, - -	600	6

It may be added here that, on one occasion, 241 motor vehicles passed the point of observation before one horse-drawn vehicle was seen, and on the same occasion 412 motor vehicles passed before a single horsed cab was seen.

The rapid increase of the one class of vehicle, and the correspondingly rapid decrease of the other may be illustrated by a

simple diagram, giving the curves of each for the twelve years between 1903 and 1915 :



It will be observed that at one point in both curves the regularity is broken, the proportion of motor vehicles diminishing and there being a corresponding rise in the horse vehicle curve. This was the result of the great taxi-cab strike of January, 1913, when every old cab that had been derelict, every horse that could still go on four legs, was once more brought out, to take advantage of the dearth of taxi-cabs. Comparing a date when the strike was over with a date during the strike, the figures appear thus :

During Strike.		After Strike.	
Motor.	Horse.	Motor.	Horse.
600	88	600	23

This little variation of the curves serves to emphasise the demonstration of change brought about by the success of the petrol driven carriage. And now, as is made plain by the above given figures, the horse vehicle is but a shade more than one in a hundred as compared with the power vehicle.

In no particular have the prophecies of the objectors proved to be so utterly fallacious, as when it was declared that the motor

vehicle would only be a toy of the rich, to the disadvantage of the other classes of the community. In particular it was confidently asserted that autocars would never be used by business men. The event has been in exact contradiction of this. No better proof could be found than in statistics taken at what may be called the 'Go to Business Half Hour'—9.30 to 10. The following figures were taken during eight days in Edinburgh, in a walk of a mile during that half-hour in the spring of the present year :

Motor Carriages.	Horsed Carriages.
23	0
20	0
20	1
24	0
22	1
20	0
24	1
34	0
187	3

Would it have been possible for the most sanguine votary of power traction to anticipate such a state of things in twelve years after liberty was accorded to use autocars at speed ?

These statistics, as has been mentioned, refer only to fast going vehicles of both classes. It was not to be expected that the supersession of the horsed vehicle, used for trade and carrying purposes, would be as rapid as it had been in the case of the higher speed carriages. The motor lorry and the motor van had a greater struggle to find favour with the trading community. This can be easily accounted for. The trader must be cautious in adopting a new mode of transit for his goods, involving the outlay of additional capital in making the change, while taking the risk of its being found unsuitable and more expensive than the plant he has already in use. And much mischief was done, and delay caused, by the foolish attempt to introduce trade vehicles by putting mercantile bodies on to engine frames built for passenger traffic, overloading and overstraining them. In many cases the disappointment caused by these inefficient makeshifts, led to commercial traders abandoning power traction and going back to horse haulage. The power vehicle got a bad name and progress was stayed. But in this department the progress, though not so rapid, is as sure and certain as was the case with the speed

vehicle. The following figures indicate the present state of matters, all of them being taken during the present spring :

Commercial Vehicles.	
Motor Power.	Horse Power.
136	203
135	175
52	53
48	55

These figures show that already the power vehicle is rapidly superseding the animal driven vehicle, and there is no reason to doubt that, although it will take some years longer for the commercial motor vehicle to reach the same commanding position as has been taken by the motor speed vehicle, a very few years will suffice to bring this about.

The breaking out of the greatest war that the world has ever seen has brought the power vehicle into prominence in a very marked degree. Before the commencement of the war, our Authority at the War Office took up the subject of military power traction in a very half-hearted and unenergetic way. There were schemes for securing the use of vehicles, by engaging owners to provide certain waggons, the inducement of a subsidy fee being given. But nothing was done on such a scale as to constitute a real preparation. In the emergency of the Boer War, Colonel Crompton, who had many years before been associated with Thomson in working steam traction in India, was employed to work transit of heavy guns by means of traction engines, by which most excellent service was done, heavy guns being promptly moved from one position to another, as exigency might require, thus in many cases doubling their effectiveness. But little was done to organise transport either of troops or munitions by road. The old military and unthinking objection was put forward. 'Of course,' was the *ex cathedra* utterance of the so-called war experts, when any one urged the importance of employing the fast-running motor vehicle in road transit for war purposes—'Of course,' they said, '*the* way to move troops, etc., up to the front is by the railway.' The argument headed 'Of course' is very often thoughtless and inconsiderate. And so it was in this case. Scarcely was the war opened when it became manifest that the combatant who did not use power traction by road would be hopelessly handicapped, and this particularly on the side of the Triple Entente. The railroad is a most

valuable means of conveyance in war, but it has its limitations, and it has its disadvantages, when it is the only mode available. When a battle front extends over two hundred miles, the railways behind the line may in many cases not provide access to many parts of the front, and may, where they are available and are trusted to do all the long distance transit, become hopelessly congested, looking to the masses of troops, with their artillery and horses, and the bulky convoys of munitions which it is necessary to move on such a scale as is called for by the enormous forces now engaged at one time.

No better instance can be found than is furnished by the present war of how one combatant might obtain an overwhelming predominance if the opponent entered into the contest obsessed with the idea that his transit could be done best by trusting to the railway. Germany had for many years been adjusting her railway system, both east and west, so as to have the best advantage of railroad transit, not only forward to the front, but also laterally, so that great forces could be moved along the rear of the line of fighting contact, and so concentrate rapidly at any point where decisive action might be aimed at. France was in no such position of preparedness. It at once became certain at the very opening of the campaign that unless the Allies in the western theatre could utilise the road as well as the railway, their chances of successful manœuvring would be much less than those of the enemy. Thus it came about that very soon the roads leading up to the front from the Allies' bases were covered with London and Paris omnibuses, just as they were taken off the streets, with all their glaring advertisements of Bovril and Cadbury and Monkey Brand, and troops were moved by many roads in probably as quick time as would be possible for troop trains, and were in many cases delivered more near to the exact place where they were required than they could be by going to a railhead. It is very plain, too, that if troops must be brought forward by rail, the enemy is well aware of the line by which they must come, and of the number of troops that can be moved in a given time, and this knowledge will be of advantage to him ; whereas if there are numerous roads available this advantage is denied to him.

A remarkable demonstration of the valuable work that can be done in moving troops by road in motor vehicles was given when General Joffre turned round upon the Germans at the Marne and drove them back to the Aisne. At that time many thought

that but a few days would elapse before the Kaiser's army would be at the gates of Paris. General Joffre, seizing the psychological moment, executed a movement which surprised friend and foe. His peremptory order went forth that all the thousands of taxi-cabs in Paris should assemble at various points of the city on the morning of September 1, 1914. The detail had been secretly and efficiently worked out. On that morning the taxicab drivers were seen rushing along, shaking their heads to the citizens who hailed them, desiring to take wife and family to the railroad stations for Tours or Orleans or Blois, fleeing in terror from the enemy. In an hour or two all the cabs, with five soldiers as passengers in each, were on the road for the front.

Thus, more than twenty thousand troops were carried to the line of battle in a few hours, the cabs returning to Paris for more. The troops that had been fighting in strenuous retreat were reinforced by fresh comrades from the garrison of Paris, and General Joffre, turning on his enemy, drove him off, and so freed Paris from all present danger. The stroke was magnificent, and owed its possibility and its success to the use of motor vehicles suddenly requisitioned and pushed forward without an hour's delay. Had the attempt been made to move these troops by rail, the proceeding would certainly have been known beforehand through the efficient spies of Germany, and the time occupied would most certainly have been very much greater. The force went by many roads, and direct to every point required, while the railroads were but few and in some cases ill-adapted by their direction to bring the troops to places where they were most needful.

In considering the application of power traction to the exigencies of war, it is necessary to be delivered from all preconceived notions derived from the history of wars of olden times. In days gone by war consisted in the employment of comparatively small armies. The combatants organised a limited number of troops, and sent these to the scene of conflict to represent their nation, not as an embodiment of the nation itself, but more as a selected force to champion the country's cause, the king being willing to stake his kingdom on their prowess, even although their battles were fought out on small fields of action. A battle such as Waterloo, fought out in a corner of Belgium on a terrain of three or four miles, settled the fate of Europe for the time, although but a small number of combatants, according to our present ideas, were engaged. The comparatively small forces on each side were the champions of the national cause of each,

just as in earlier times two combatants would select a few men as their representatives, leaving the fate of their cause in the hands of those champions. The splendid account of the two-handed sword fight given by Sir Walter Scott in the *Fair Maid of Perth*, in which the Gow Chrom came off as the final victor, is a notable instance of the fights of the olden day, the championing of a cause by a few representing the many. The contests in the wars of the last century were similar in character, although greater in degree. The professional soldier fought for the great body of the nation, and by his success or failure the national issue was decided.

To-day all this is changed. The nation which leads an attack does so with all its resources. The lines of battle are spread over vast regions. Not here and there do compact forces endeavour to penetrate an enemy's country. The whole frontier bristles with armed men. A front which formerly would have been represented by a dozen of miles now extends to hundreds. Thus we see a war being waged on two hundred miles of front in Western Europe, and as many miles in the East. And now that Italy has entered into the struggle, and it is likely that ere long some of the Balkan States, at present neutral, will join the combatants, now that European Turkey is involved, there will probably be a vast crescent beginning at the sea in Belgium and curving round through France and along Italy up through Russia to the Baltic, thus presenting a continuous battle area extending over some seven or eight hundred miles, along the whole of which great bodies of troops will be facing one another in deadly contests, the numbers engaged being measured by millions, as against the tens of thousands of the campaigns of the past. And when to this it is added that the munitions of war which are now necessary are many times heavier than formerly, and expended in millions of rounds, where formerly the number used was but a small fraction of what it is now, the whole view of the situation makes it plain that transport, whether of men or of war material, is a matter requiring very different organisation from what in former days sufficed for efficiency.

One thing is quite certain. This war could never have been carried on, as is now being done, had all the means of road locomotion been confined to animal traction. When it is remembered that no fewer than 260,000 horses perished during the South African war on the imperial side only, it is very

certain that if the road work that has had to be done in supplying our force in France had been conducted by horse-drawn vehicles over the awful roads of France and Belgium, the number used up already would have required to be put down in millions. Over the whole area on both sides many millions would have been necessary, and it may be said that the world's product of horses would not have been sufficient to provide for the wastage. It is due to the fact that a road vehicle has been produced which does not require the use of horseflesh that the war is conducted on a scale which the world has never seen before. The petrol vehicle has revolutionised war and made what would formerly have been impossible of accomplishment at all, a weekly occurrence. Where one hundredweight was conveyed in former wars a ton is conveyed now to the same section of war front, and that front is infinitely greater than was the case in the time of Napoleon and Wellington. Again, where a vehicle could compass twenty miles in a day, it can now compass a hundred and fifty miles. Where fatigue made recuperative rest imperative, the question of fatigue does not require to be considered. Given a relay of drivers, the modern war vehicle can, on emergency, do work continuously for long periods of time. It has also a reserve of power, which will force it through difficulties which would hold up the horse-driven vehicle absolutely. If the saying is accepted that the army marches upon its belly, then there can be no doubt that facility for bringing up supplies quickly must make its marching power greater. Slow transit of food supplies means poor speed in the army's movement. And more battles are won by troops being brought quickly to the point of decision, and in good fettle because well fed, than by any other means.

When the matter is looked into, it is seen that the influence of motor traction on the conduct of war shows itself in very many particulars. It asserts itself in the actual combat, in the transportation of men and materials preparatory to the combat, and in dealing with the wounded. On the field itself is seen the motor fort, a vehicle closed in with steel plates, in which machine guns can be carried, and from which soldiers can fire through loopholes. This is the successor of the armoured railway train, a moving fort which has this disadvantage that it is confined to a fixed line, known to the enemy, unable to move in both directions, and being, when brought into action, an obstruction preventing the line from being used for any other traffic. The road power-driven fort can be moved in any direction, and is

available where there is no railway. This is a great advantage. The railway motor fort is helpless if a rail before it, or a rail behind it, is taken out, or if the opposing artillery can break up the line by shell. The road motor fort has many more chances. The railroad fort may be unable to get on to another line without going a great distance back to reach a junction, and even then may not be able to cross country to the best advantage, whereas the road motor fort can make its way anywhere, there being in most cases many more cross roads than there are railroads.

A most valuable development of the motor vehicle for fighting purposes has taken place in the extended use of the motor-bicycle. Not only can a skilled shot be often much more useful if he has a motor-cycle to take him from place to place, but with a side-car attached he can carry a machine gun, the gunner being protected by a steel shield, and this arrangement has been found to be most efficient. The motor-bicycle is also found to be of great service in the conveying of orders during an engagement.

But it is behind the line that the motor vehicle shows its greatest value and efficiency. Never before have supplies, both of food and of munitions, been brought to those engaged at the front with such regularity and certainty as in the present campaign. The testimony to this comes from all quarters, from generals and staff, from regimental officers, and from the 'Tommies' themselves. History tells us of the disappointments of commanders and the sufferings of soldiers in former wars, from the failure of transport. In the Peninsula and in the Crimea gruesome things happened, troops half starved, with the consequent breakdown in health depleting the ranks, and weakening those who did not actually breakdown, and so diminishing fighting power, protracting contests, and causing greatly increased losses.

No such tale is told of the present war. The work of the Army Service Corps performed by power traction has been from the first till now preeminently efficient, with the consequent result that health has been excellent, the proportion of sick being very greatly less than it has ever been before in the case of an army engaged in a campaign. No one can deny to that service great praise for their efficiency, but that such efficiency could have been attained without the aid of power traction, it is not possible to believe. As regards munitions, which also are brought to the front by the same department, unfortunately a great deal has

been heard lately of insufficient supply at the front. But it has never been suggested that the blame of this is to be laid at the door of the Army Service Corps. No one has ever said the munitions which were lying ready at the base have not reached those requiring them at the front, because of failure of the transport. If shells and cartridges have not been available to the fighting troops, it has been because they were not provided, not because they were not brought forward. And we may be sure that when, as we hope may be the case, a greater supply of war munitions is provided, the transport service will bring them up with promptitude. Thanks to the possession of the power vehicle, the duty of bringing them forward will be easy of accomplishment.

A further development is taking place in motor transport. In past wars the guns used in the field were all of a comparatively light weight, drawn by horses. But to-day guns of very great weight, such as would formerly have been used only in fixed fortifications, are now used in the field. Their weight is so great that horse haulage, though it might be possible, would require to be by very long teams, and moving at very slow speed. But now, these great guns, firing shells of enormous weight, are in daily use as mobile artillery. They can be handled quite easily. Some of these guns from their great length, if the barrels are allowed to be without support when they are subjected to violent jolting in being moved, tend to droop at the muzzle, and so to have their efficiency for accurate fire seriously affected. To meet this, two motors may be used—one to carry the main weight of the gun, and the other to sustain the muzzle and thus save it from jolting shocks. The heavy siege guns that are brought up to batter down fortresses as was done at Liège and Namur can be aided in the same way.

To move very heavy vehicles or guns, a device is being adopted, which is called the Pedrail. Its purpose is to enable transit of very heavy loads to be accomplished, and to overcome steepness of roads, or unevenness of ground in going across country. Instead of driving the vehicle only by the hind wheels, a heavy flexible chain is passed over both the front and back wheels, the links of the chain working onto sprockets on the wheels, the hind wheels thus directly driving both wheels, as the driving wheel of a locomotive moves both wheels by the crank-rod fitted between them. On the chain there are a series of discs or feet of six inches or more in diameter, and

all of these feet come on the ground in succession, there being several on the ground below and between the wheels, thus giving a good hold of the surface, preventing slip, and keeping the wheels from sinking in soft ground, and as each foot is separate from the others, and the chain is flexible, the feet can accommodate themselves to the ground, and pass over obstacles without shock. Such an arrangement enables a vehicle, even though the load be very heavy, to pass over rough ground or mounds and other obstacles, and to make its way through mud or sand into which the ordinary driving wheels would sink, and, loosing grip, would revolve without making progress. The nickname for this vehicle is 'The Caterpillar,' and it is proving itself highly useful during the present war.

Besides all movement of men and material, there is another department of war service in which the motor vehicle is giving necessary and excellent service in conveying officers from place to place, outside the actual range of the battle. At home, much expense and delay is saved by officers, both of the combatant branches of the service and the non-combatant, having vehicles which can convey them rapidly from place to place. Supply officers, remount officers, and officers on staff duties may be seen daily throughout the country moving from place to place with rapidity in the course of their duties. The presence of the motor carriage enables prompt action to be taken where without it action would be delayed, or not possible at all. An instance of this occurred a few weeks ago when the terrible military disaster occurred about ninety miles from Edinburgh, when the troop train was smashed. Sir Spencer Ewart, the Commander-in-Chief in Scotland, hearing of the calamity, at once mounted a military motor car, and was on the scene in about three hours. At the time of day at which he was able to start, he could not have got a fast train for several hours, and probably would have found the line blocked some miles back from the accident, all the traffic for the south being diverted at a junction many miles back from the scene of the accident.

At the seat of war, where the lines extend for distances so immense, generals can no longer attend to their duties efficiently by riding on horseback. But with the autocar they can cover many tens of miles in an hour, with their staff officers, being able to consult and discuss the situation as they go with a freedom not possible if they were riding. Consultation of maps in particular is not easy from the back of a horse. A notable instance of the

efficient work which can be done in difficult circumstances, when the motor car is available, is that of the German General Hindenburg, who being effectually crippled by a violent attack of gout, was nevertheless able to visit his whole widely-spread command in one day, he remaining seated in his motor car during the whole time of the journey.

There is one military service to which the motor vehicle is specially adapted, a service which only comes into operation when casualties have occurred. But its importance is enormous from three points of view. The transport of the wounded is a humane work primarily, but is, if efficiently carried out, of vast importance to the successful conduct of war, and this in three particulars—first, it may save the wounded man from death; second, it may aid in minimising the loss resulting from wounds or sickness, which may, if the sufferer is kept some time in unfavourable circumstances, result in permanent disablement, rendering future service at the front impossible; third, it may aid in securing that there shall be rapid recovery by prompt attention in the less serious cases, enabling the sufferer to return to duty in a much shorter time than would be the case if efficient attention could not be given at once. Thus the service under the Red Cross may not only have its humane aspect, but may be a very effective instrument in the work of diminishing the actual losses of the fight by restoring the human instruments of war to efficiency, and so making a large proportion of losses only temporary.

It is the experience of those engaged in the present war that the substitution of the mechanically driven vehicle for the horse-driven increases in no small measure the chances of cancelling losses, by repairing the human machine that has been injured and once more presenting it to the commander at the front as fit as ever for duty. By it, when the wounded are given first aid at the dressing-station, they can be moved to the hospital, or to the railhead leading to the hospital, in a third of the time, and with infinitely less cruel swaying and jolting as in the old lumbering, iron-tired waggons, different only from goods waggons by having a dirty canvas cover and a dirty red cross painted upon it. One sees these waggons still on the road here, and they suggest inefficiency and squalor. Even if the discomfort and suffering were the same, whether the conveyance was horsed or driven by a motor, nine hours in the jogging waggon might be fatal, while the patient brought

to the hospital in three might do well, not to speak of the mere suffering, protracted as it is in the horsed vehicle, from which the auto-vehicle would relieve the wounded man of two-thirds, during which he would be in the fair sheets of a comfortable hospital bed, and ministered to by the deft hands of a skilled nurse, instead of being knocked about in the gloom of the dirty canvas, and suffering it may be from intense cold, or intense heat, or cruel draughts, without a kind word to help him to bear his suffering. Let to-day be compared with the wars of the past. What wounded soldier of Wellington's army came through his troubles without going through horrors, hopeless of early relief, and having no such thought before him as that in but a short time he would find himself on his own side of the Channel, comfortably housed, and with the certainty that in his convalescence he would be nursed and tended by kind hands, and have his airings in kindly lent motor cars? The poor wretch probably never saw a kindly woman's face as he lay in discomfort and pain for weeks and even months. And the saving of his limbs cumbered the surgeon little. 'On with the tourniquet and off with the limb,' was the too common formula in a time when things had to be done drastically and quickly. Too often, when the unfortunate wretch reached a base hospital after an awful journey, there was nothing else to be done. The wound had become incurable, and only by amputation could life be saved.

To-day, with the aid of the autocar, the soldier who is wounded in the morning near Ypres or Neuve Chapelle may in fifteen or eighteen hours be comfortably housed in an English hospital, with a certainty of as great care being given him as if he were a Prince of the Blood, and with the highest surgical and medical skill at his command, free from all risk of gangrene or tetanus, and with every cheering influence that devoted ladies can render him, whether by skilled nursing or by kindly attentions. It is not to be wondered at that the percentage of recoveries is in marked contrast to those of former days. Thus humanity has its reward, and the nation has many a son returned to duty who formerly would have succumbed or been made unfit for further service, and so the actual losses being substantially diminished.

An idea may be got of what the work done by the ambulance services that have gone voluntarily to France, by quoting from one or two letters from one who, with a friend, took an ambulance to the front, and who was, after a short time, made a quartermaster in charge

of thirty-four ambulance waggons. The first day the two friends were sent forward, their orders took them to Albert, beyond which a great battle was raging. They made three trips with a full load, the distance being 13 miles between station and front. There being still some wounded to be removed, they made a fourth trip, and, on approaching Albert, saw that it was in flames. Going on, they reached the hospital, to which the fire had not yet come forward, although the heat was already great. Most of the patients, being able to hobble, had left the hospital to escape being burned to death. They put the two that could be moved into the ambulance and drove off. On the road some distance outside the town, the men who had left on foot were found exhausted, sitting at the side of the road with their feet in the ditch. They were got into the ambulance, which reached the railhead as darkness closed in. This car brought in no less than 200 men in its first week of work, emptying the hospital near the front every day of all wounded that could be moved.

From the same pen which supplied the above account, the following may be quoted, being both instructive and amusing :

'One afternoon we heard a tremendous banging and popping, and presently we got an urgent call for as many ambulances as we could spare. I got together six ambulances and a station bus capable of carrying eight sitters, and set off at 7 p.m. It was pitch dark and raining hard, but a map, an electric torch, and the fighting line brilliantly illuminated by magnesium flare rockets, kept us straight, and we found our way *via* a network of bad roads to the Poste de Secours. I was leading up the lane, and was told to turn sharp into a still narrower one, which I did, with the result that my ambulance fell into a shell hole exactly at the corner, a funnel-shaped affair and about 4 feet wide, and how deep I do not know, as it was full of liquid mud and quite invisible from the driving seat. Nothing happened to the car luckily, but I used language about the German gentleman who put it just there, because the side lane was so narrow that if one missed the hole one met the wall across the way. This meant reversing into a seething mass of horse carts, hand ambulances, wounded men on stretchers, etc., all which were arriving continuously from further up the main line.

'Round the corner we came to a door in the wall, waded through it across an unspeakable yard into various barns and outbuildings where wounded men lay and sat, literally in heaps. One stable lantern from a beam only served to disguise the pitiable state of these poor fellows, caked all over with mud and chalk, boots mere sodden lumps, shrapnel wounds, shell wounds, rifle and machine gun wounds—and worse than all to look at—bomb and hand grenade wounds and burns. It was a night of hand-to-hand fighting when the hand grenade was making close acquaintance with many an unfortunate face.

Loaded up, we had a hard struggle to get away through the crush, then on past the curious holes dug out of the bank at one side off the road, which held heavy guns, though we did not discover the fact till dawn, as they were not in use owing to the nature of the fight. We deposited our wounded at various places, several of which we had to discover. This took time, as there were no 'natives' about these parts at night, so one's only friends are the map and the electric torch. Most of these outlying places were not expecting a visit, and we lost a lot of time digging the staffs out of their beds in all corners of the villages, and then getting places arranged for in a hospital which was generally overfull already. But for these delays we could have about doubled our tally, for you may be sure we made these cars hum going back empty.

'I forget how many trips we made, but just before dawn we had the satisfaction of picking up the last movable man in the shed, completing our load direct out of the horse ambulance into our cars, out in the mud in the lane. 'That finishes it for the present.' Back once more by the pits on the roadside, where we saw the big guns poking their ugly noses out over the top of the bank. Back to *X* with seven cars fully loaded. At the church we pulled up, and there deposited our wounded ; but before they could find room on the straw, which replaces seats in the body of the church, others who were there already, and had their dressings, had to be carried out and loaded into our cars.

'Broad daylight now, and every one concerned beginning to feel sleepy, so we were not sorry to know that we had only about eight miles to run to an evacuation hospital at a railway-station, where they know their business. Unloading finished, a rush to the nearest *estaminet* for the never-failing coffee and rum, and then home, seven miles, just in time for morning parade, at which we were *not* present. A huge breakfast, and so to bed, having carried exactly 144 wounded in the night, bringing our total for the twenty-four hours up to 235. 'Good work ! Give us more of it !' is what we all say.'

Such a letter, in its own humorous way, brings the horror of war most graphically before the mind. It may be poor comfort, but still is some comfort to know, that power traction does something to mitigate the horrors, which would be infinitely worse, were animal power the only means of locomotion.

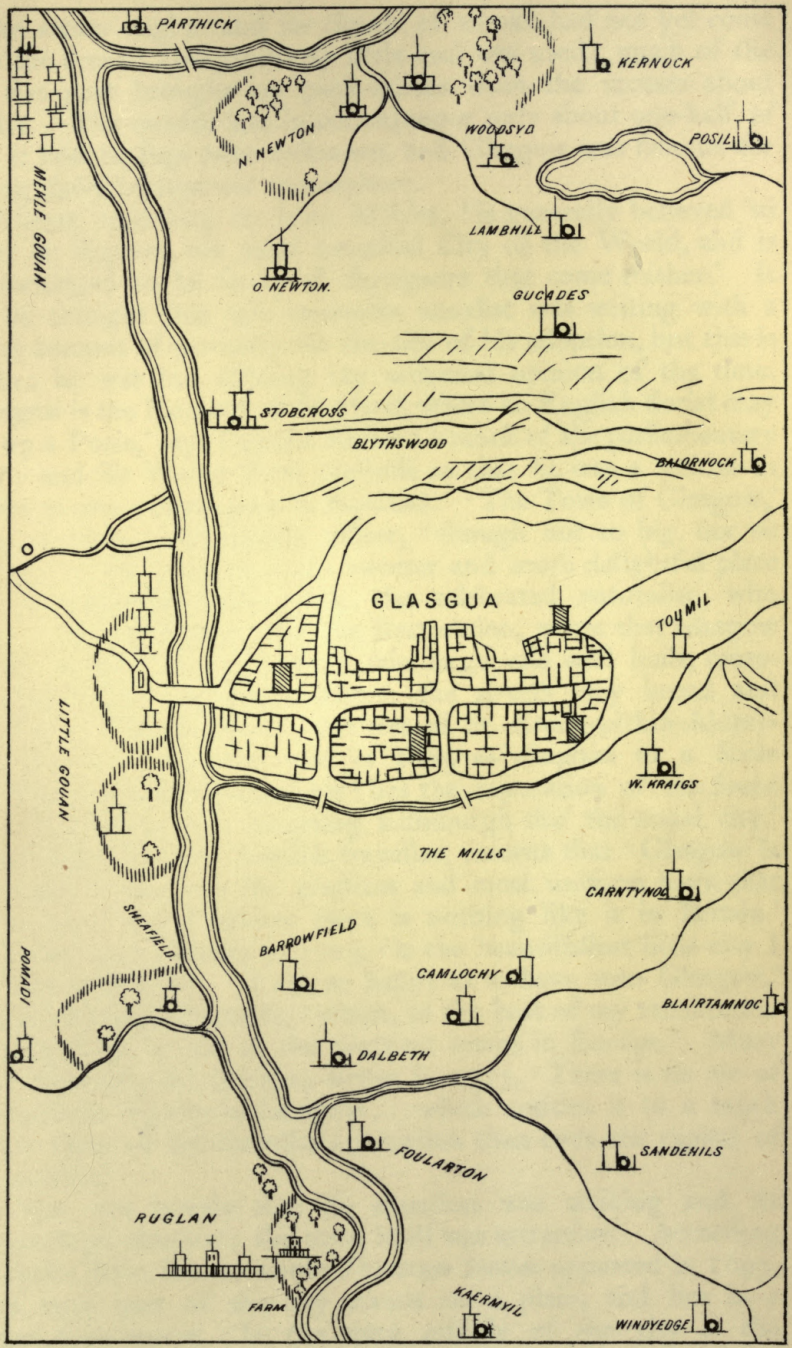
J. H. A. Macdonald.

The Preservation of the Tolbooth Steeple of Glasgow

Remove not the ancient landmark, which thy fathers have set.
—Prov. xxii. 28.

GLASGOW in the seventeenth and eighteenth centuries was a singularly attractive place. Its situation was romantic. The old town, clustering around the Cathedral, stood high above the adjacent country and commanded a magnificent prospect. On the one hand it overlooked the Clyde valley stretching away to the high lands of the Mearns and of the Gleniffers; on the other it was bounded by the Campsie Fells,—memorable in the history of St. Mungo,—by Dungoyne, and in the far distance by Ben Lomond. The High Street, aligned by houses and gardens, led to the Market Cross, and from thence the traveller passed by the Saltmarket and the Briggait to the Clyde, then a beautiful clear-flowing stream something like the Shannon at Athlone. The immediate neighbourhood was charming. Glasgow, says Camden, was famous for its 'pleasant situation, apple-trees, and other like fruit trees much commended.' The Rev. James Brome, an English clergyman, who visited us in 1669, records that 'for pleasantness of sight, sweetness of air, and delightfulness of its gardens and orchards, enriched with most delicious fruits, Glasgow surpasseth all other places in this tract.' Sixty-seven years later it was the same; Glasgow, we are told, was in 1736 'surrounded with corn-fields, kitchen and flower gardens and beautiful orchards abounding with fruits of all sorts, which by reason of the open and large streets send forth a pleasant and odoriferous smell.' Dr. Arthur Johnson commends the beauty of Glasgow in some stately Latin verses, of which John Barclay's rendering give but an imperfect idea:

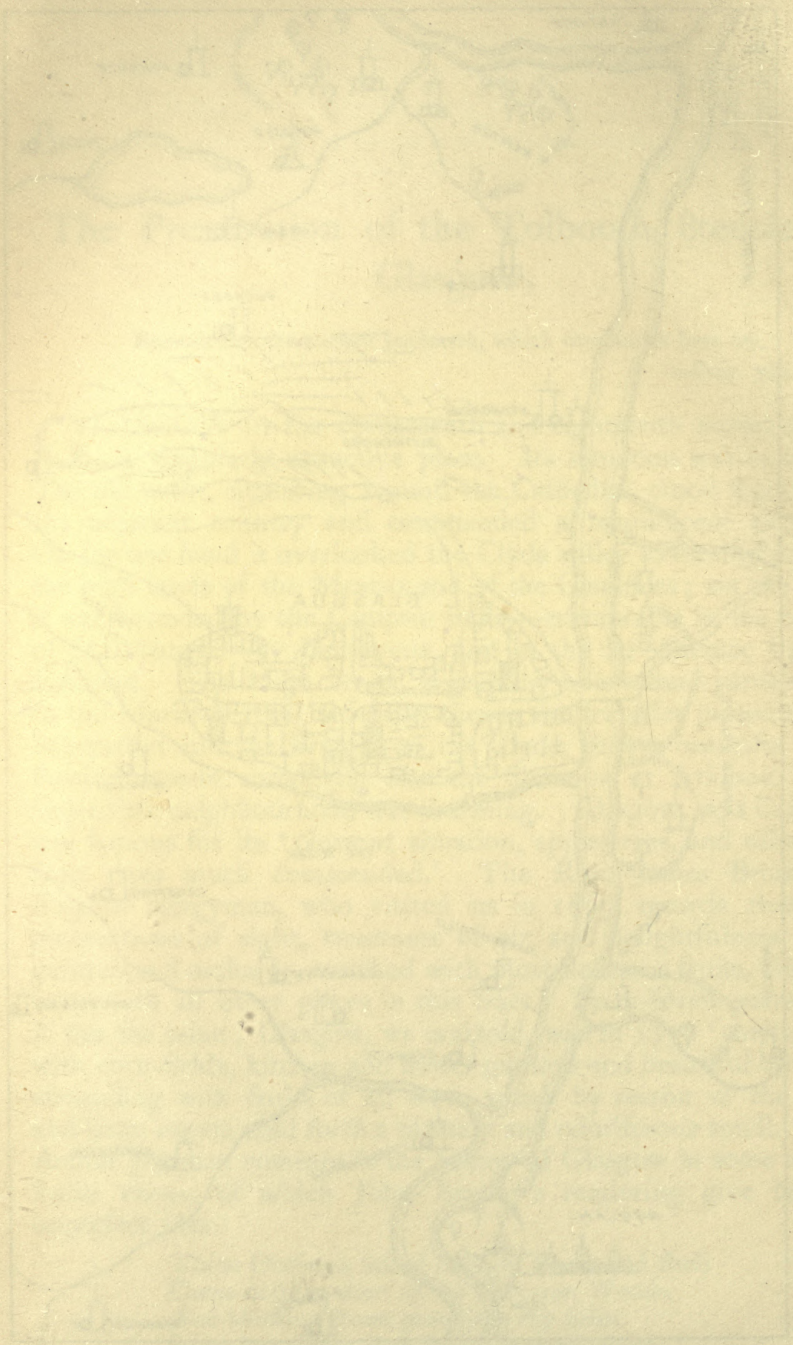
Thine Orchards full of fragrant Fruits and Buds
Come nothing short of the Corcyran Woods,
And blushing Roses grow into thy fields
In no less plenty than sweet Paestum yields.



GLASGOW AND NEIGHBOURHOOD ABOUT 1641

From Blaeu's Atlas, Amsterdam, 1654

It is probable that this is a reproduction of the 'portrait' of the town, prepared by James Colquhoun in 1641 to be sent to Holland



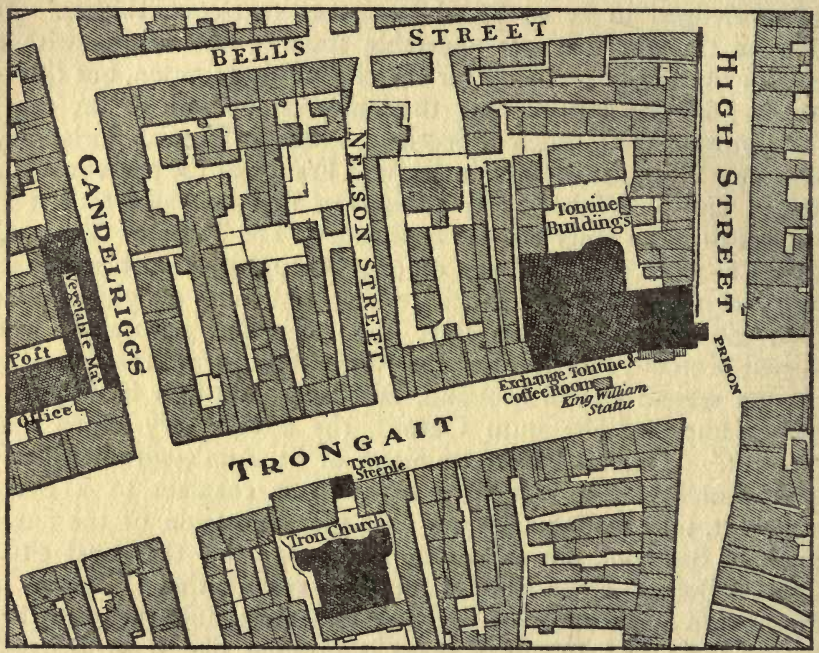
The steam engine and its clouds of smoke had not yet come upon the scene; comparatively little coal was used; much of the fuel was peat brought on pack-horses from the mosses about Cadder. The rainfall was in consequence only about one-half of what it now is, fogs were unknown, and Glasgow was famous for its singularly transparent atmosphere.

Glasgow, according to John M'Ure, 'is generally believed to be, of its Bigness, the most beautiful City of the World, and is acknowledged to be so by all foreigners that come thither.' It may be thought that our venerable annalist was writing with a certain amount of partiality for the city of his adoption, but this is not so; he was but echoing the universal opinion of the time. 'Glasgow is the Nonsuch of Scotland, where an English florist may pick up a Posie,' says Captain Richard Franck of the parliamentary army; and Sir Walter Scott reminds us that he was a satirist in respect to every other place in Scotland. 'The Town of Glasgow,' writes another parliamentary officer, 'though not so big, nor so rich, yet to all seems a much sweeter and more delightful place than Edinburgh.' John Ray, the celebrated naturalist, who visited Scotland shortly after the Restoration, wrote that Glasgow 'is the second city in Scotland, fair, large, and well built, cross-wise, somewhat like unto Oxford, the streets very broad and pleasant.' Thomas Morer, minister of St. Ann's-within-Aldersgate, London, who was here in 1689 as chaplain to a Scots regiment, tells us that Glasgow 'has the reputation of the finest town in Scotland, not excepting Edinburgh tho' the royal city.' Captain Burt, another English traveller, records that 'Glasgow is to outward appearance the prettiest and most uniform town that I ever saw; and I believe there is nothing like it in Britain.' 'Glasgow,' says Mackay in 1723, 'is the beautifullest little city I ever saw in Britain.' 'I am so happy as to have seen Glasgow,' exclaims Matthew Bramble, 'which, to the best of my recollection and judgment, is one of the prettiest towns in Europe.' Mary Anne Hanway, the novelist, writes in 1775, 'There is an air of metropolitan dignity in Glasgow ... which entitles it to a much greater share of the traveller's attention than even the capital of the country.'

It was not merely that its situation was striking and its surroundings pleasant; the town itself was attractive. According to Captain John Slezer, whose *Theatrum Scotiae* appeared in 1693, 'The most part of the city stands on a plain, and lies in a manner four-square. In the very middle of the city is the

Tolbooth, magnificently built of hewn stone, with a very high tower, and bells which sound melodiously at every hour's end. At the Tolbooth four principal streets crossing each other do divide the city as it were into four equal parts, every one of which is adorned with several publick buildings.'

The four streets were the High Street and the Saltmarket, the Trongait and the Gallowgait. The High Street led northwards,



PLAN OF THE CROSS ABOUT 1800

past the College and the Cathedral, to Cadder, Kirkintilloch, and Stirling. The Gallowgait, running east, was the high road to Edinburgh and to London. The Trongait, anciently St. Tenew's gait, led to the little chapel of Sanct Tenew, now the site of St. Enoch Square, and westward, through the villages of Anderston and Partick, to Dumbarton and Inveraray. By the Saltmarket and the Briggait one reached the old bridge across the Clyde for which Glasgow was so long famous, and the highways to Ayrshire and Renfrewshire.

The crossing of the four streets was the centre of Glasgow, the heart of its life and activities. The city had suffered severely by

two great fires, one in 1652 and the other in 1677, and many of the houses in the neighbourhood of the Cross had been substantially and elegantly rebuilt according to the fashion of the day. Here is how Daniel Defoe describes it in 1727: 'Where the four principal streets meet, the crossing makes a very spacious market-place, as may be easily imagined, since the streets are so large. As we come down the hill from the north-gate to this place, the tolbooth and guild-hall make the north-west angle, or right-hand corner of the street, which is now rebuilt in a very magnificent manner. Here the town-council sit, and the magistrates try such cases as come within their cognisance, and do all their other business; so that, as will be easily conceived, the tolbooth stands in the very centre of the city. It is a noble structure of hewn stone, with a very lofty tower, and melodious hourly chimes.' It also contained the prison, and about the time of which Defoe speaks the Dean of Guild's old hall had been converted into two additional 'prison houses for prisoners of note and distinction.'

As time advanced the commerce of Glasgow expanded, her trade grew, her manufactures increased, and the steam engine multiplied her industries to an enormous extent. Her population rose by leaps and bounds; her streets were filled with ever swelling traffic.

At the Cross civic and commercial life still converged. The magistrates deliberated in the Council Chamber in the Tolbooth; there they held their courts, as did the Sheriff and the Justices of the Peace, and the Lords Commissioners of Justiciary on their half-yearly circuits. Bailie Nicol Jarvie dwelt in the Saltmarket, the rival MacVittie, MacFin & Co. had their counting-house in the Gallowgait. The Campbells of Blythswood had their mansion in the Briggait; Sir Patrick Bell, a notable provost, lived in the same street, as did his son, Sir John Bell, who was also provost, and entertained the Duke of York—afterwards James VII.—in 1681 in his house in the Briggait; Oliver Cromwell took up his abode in the Silvercraigs mansion in the Saltmarket, and in that street the Crawfords of Cartsburn and Provost Walter Gibson erected large and handsome residences. Robert Wodrow, the celebrated minister of Eastwood, and Sir John Moore were born in the Trongait. Prince Charles Edward, in 1745, occupied the Shawfield mansion on the extension of the Trongait, beyond the West Port—our Argyle Street.

Merchant booths, stalls, and cranes used to fill all the streets around the Cross, and in these all marketing was done, as we still

see in many towns on the continent and in some places in England. These gradually gave way to the increasing street traffic, and the traders either opened shops or transferred themselves to one or other of the new markets provided by the magistrates.

As the American trade expanded the Virginia Dons, or Tobacco Lords, as they were styled, became a numerous and important body. As the merchants of Venice congregated on the Rialto, so the Tobacco Lords, arrayed in scarlet cloaks and carrying gold-headed canes, paced the plainstanes of the Trongait, representing in their persons the dignity and magnificence of commerce. The fine equestrian statue of King William, presented by Governor Macrae in 1735, was placed upon the north side of the Trongait, as being the busiest spot in the city, and the inscription it bears was cut upon the south side, as it was upon the street, not upon a side walk, that the stream of pedestrians passed.

The Tolbooth had stood little more than a century when its accommodation was found inadequate for municipal purposes. The land immediately to the west was purchased, and the Tolbooth was extended by the erection of a new Town House, which was completed in 1740. On the front there was a piazza, rendered remarkable by the grotesque figures cut upon the keystones of the arches, familiarly known as Mungo Nasmith's Heads. This building contained a spacious Council Hall and a fine Assembly Room.

For the convenience of the merchants a portion of the street immediately opposite to the Town House was paved and fenced off, and was known as the Exchange. In wet or stormy weather they found shelter in the adjoining piazza. Later they found a home in the Tontine Coffee Room, which was erected towards the end of the eighteenth century in close proximity to the Town Hall, and was 'universally allowed to be the most elegant in Britain, and most probably in Europe.... Here you are not offended as in London, and several other towns, upon entering places of this description, with clouds of smoke and fumes of tobacco, or with that brutal noise, proceeding from the too free use of liquor; neither of which are allowed to be used in this room.'

In 1795 a further extension of the Tolbooth was made, but the prison did not meet modern requirements, and the other accommodation was insufficient for the growing wants of the Town

Council. It was resolved, therefore, to provide a new building on a different site, fronting the Green at the foot of the Saltmarket. This building was ready for occupation and was opened in 1814, and included a jail and court-houses, Council chambers, and municipal offices.

The old Tolbooth being deserted, the site and structure, except the steeple, were sold by auction, subject to the condition that new buildings should be erected on the site in accordance with a plan prepared by Mr. David Hamilton, architect. James Cleland, the superintendent of public works of the city, became the purchaser, at the price of £8000, equivalent to £45 per square yard, and erected new buildings in accordance with the prescribed plan, and these buildings, on the lapse of a century, are in turn about to be demolished.

The removal of the Tolbooth injured the stability of the steeple, and it was suggested that it should therefore be demolished and a *facsimile* erected. The proposal met with strong opposition, common-sense prevailed, and this ancient monument was repaired and preserved.

In a curious broadside of the period, *The Humble Petition of the Cross Steeple to the Magistrates of Glasgow*, this episode is thus referred to by the steeple itself:

> 'I hae stood here nearly three hunner year, muckle respeckit an' admirt by a' that saw me—their heads are no sair that ornamented me wi' my thretten gilded vanes—my arched top—my clock—my music bells—my spears (now ta'en down) for martyrs' heads, my day-o'-the month brodds, an' a' that cou'd be thocht upon to mak' me the brawest an' the usefu'est about the town—an' sae I was—an' sae I hope to hae been, but now there's sae muckle competition and partiality gawn, that naebody can tell what's his ain till he gets it, nor how lang he can keep it even *than*.... I can swear there has nae been twenty punds laid out on me, either inwardly or to adorn my outward man, since they took awa my consort frae my side, about twal years ago. Then wi' their deep howked foundations for the new lan' put in her place, I was like to tummel down a'thegither had na' they set a clever fallaw wi' his dumcrafts to prapp me up wi' lumps o' cast iron at the wast corner—what car't he for my feelings!'

The whirligig of time has brought us face to face with the same situation. Again the Town Council has resolved upon the

removal of the Tolbooth Steeple, and once more the voices of the citizens of Glasgow are raised against such wanton and ruthless vandalism.

The magistrates of Glasgow have ever had a praiseworthy zeal for the improvement and adornment of the city. Their efforts have, as a whole, been successful, but in some cases they have been the reverse. At present the Town Council have before them a scheme for the improvement of the Cross, and it is as part of this that the removal of the Tolbooth is suggested. In 1737 the Town Council of the day had a similar scheme in contemplation, and obtained a plan of a square at the Cross from William Adam the elder, the leading architect of his day, and father of four sons who all achieved eminence in the same profession. The scheme was not carried out, but we may be certain that it did not contemplate interference with the steeple.

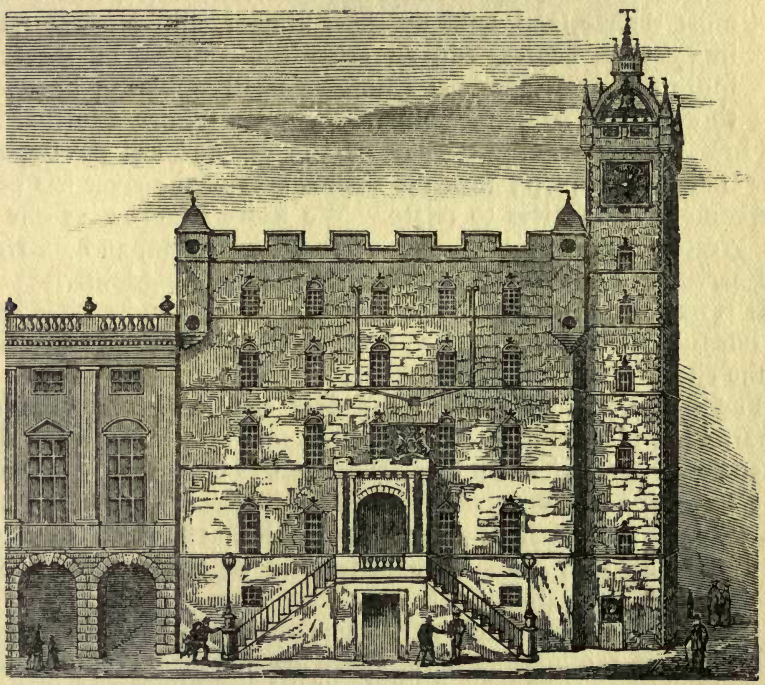
The Tolbooth to which we have been referring was erected in 1626, but it took the place of an older building which had occupied the same site for about two hundred years. This old tolbooth was also a lofty building, with a clock-tower and bells, and booths or shops on the street level. It was at this point that the trade of Glasgow pivoted itself when the commercial community moved down from the old town above the Wyndheid.

When the new Tolbooth was built its steeple became the most prominent feature in commercial Glasgow. Sir William Brereton, who visited Glasgow in 1634, says, 'The Tolboothe, which is placed in the middle of the Town, and near unto the Cross and Market-place, is a very fair and high-built House, from the Top thereof, being Leaded, you may take a full view and prospect of the whole City. . . . This Toleboothe is said to be the fairest in this Kingdom.' 'Here,' writes Captain Franck, 'you may observe Four large fair Streets, modell'd as it were, into a spacious Quadrant; in the centre whereof their Market-place is fix'd; near unto which stands a stately Tolbooth, a very sumptuous, regulated, uniform Fabrick, large and lofty, most industriously and artificially carved from the very foundation to the superstructure, to the great admiration of strangers and travellers.'

The tower, or steeple as it was called, was specially commended for its height and stately form. It carried the town clock, which was long noted for its chimes or music bells. The present passage-way through the tower is modern. In old days the entrance to the jail was by a door in the south wall on the street level, within which the turnkey sat. The jougs were attached to

this side of the steeple beside the door. The platform, on which delinquents condemned 'to stand on the stairhead'—a kind of pillory—was above the door. On the High Street front were the spikes from which the heads of those who suffered under the axe were exhibited.

When the steeple reared its head above the town in 1626 the population of Glasgow was from 8000 to 9000; at the Revolution it was nearly 12,000, and was not much greater at the Union.



THE TOLBOOTH OF GLASGOW

Two hundred years ago it was about 14,000; forty years later, that is in 1755, it was 23,546; in 1801 it had reached 77,385, and we know its enormous growth within the following century.

Trade has increased in corresponding proportions. In 1655 Thomas Tucker reported that the inhabitants were traders and dealers; some for Ireland with small smiddy coales, in open boates; some for France with pladding, coales, and herring; some to Norway for timber. 'Here hath likewise beene some who have adventured as farre as the Barbadoes; but the losse they have

sustayned by reason of theyr goeing out and comeing home late every yeare, have made them discontinue goeing thither any more.' Then he adds :

> 'The scituation of this towne in a plentifull land, and the mercantile genius of the people, are strong signes of her increase and groweth, were she not checqued and kept under by the shallownesse of her river, every day more and more increasing and filling up, soe that noe vessells of any burden can come neerer up then within fourteene miles, where they must unlade, and send up theyr timber, and Norway trade in rafts on floates, and all other comodotyes, by three or foure tonnes of goods at a time, in small cobbles or boates of three, foure, five, and none of above six tonnes, a boate.'

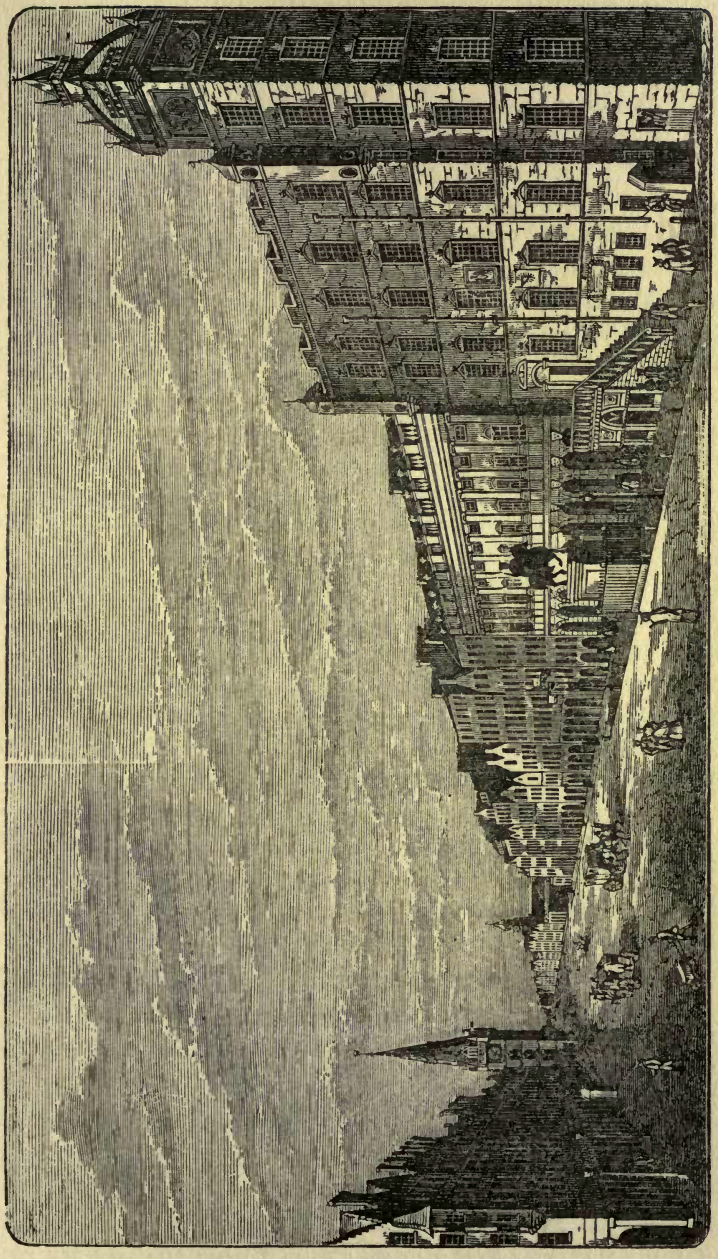
How 'the mercantile genius of the people' has developed; how trade has thriven; how the shallowness of the river has been overcome it is needless to relate. We know Glasgow as one of the greatest commercial communities of the world, and its river and harbour as one of the greatest ports in the kingdom.

It is well to have a beacon to direct our vision in looking back on our full and stirring history, to mark the growth and expansion of the city.

The old Tolbooth marked the first step taken by Glasgow towards commercial life; its successor came into being when that 'mercantile genius,' which Tucker notes, was beginning to unfold. The steeple we now prize stands the witness of the steady and unbroken development of that genius. All that has made Glasgow what it is, all that gives it character and reputation, has passed before this silent watch-tower.

The steeple stood sentinel at the crossing of the four streets which formed the market-place, where her merchants congregated, where the commercial life of two hundred years strove, and strove successfully, to give Glasgow that pre-eminence in action which in former times she had enjoyed by reason of her romantic charm and sweetness.

The steeple was the focus and gathering point of that busy life which streamed around it. It was the pride of the city; it was the admiration of strangers, and it is right and proper that we and those who come after us should still look upon it as our fore-elders saw it. The son generally thinks himself wiser than the father, the people of to-day are apt to think that the present is better than the past, that what does not commend itself to them is of no value. They should remember that fifty years hence, to say



VIEW OF THE TOLBOOTH AND TRONGATE TOWARDS THE END OF THE EIGHTEENTH CENTURY

nothing of a hundred, another generation will be saying the same things of them.

In 1658 the Tolbooth was described as our 'Western Prodigy, infinitely excelling the model and usual built of Town Halls.' A century later, in 1769, Thomas Pennant thought it 'large and handsome'; and Robert Saunders was of the same opinion in 1771. The quidnuncs of 1915 may challenge these judgments, but it is clearly our duty to preserve what appealed so strongly to our ancestors.

Scott was familiar with the Tolbooth, and it stands out crisp and clear before us in his pages—the low wicket in the basement of the steeple, the bolted door, the wild Highland turnkey behind it, the small, strong guard-room, the narrow staircase leading upwards to the jail, the narrow gallery, the connecting passage and the prison rooms. The picture of that singular gathering, Owen and Frank Osbaldistone, Bailie Nicol Jarvie and the faithful Mattie lantern-in-hand, Rob Roy, Captain Stenchells, the jailer, and the Dougal Cratur, stands for all time and casts the glamour of romance around the old, time-worn tower, as Scott knew it, and as it was in 1715. As travellers in former days came amongst us and admired our city, so travellers in days to come are entitled to see that feature of Glasgow which Scott has so characteristically delineated in imperishable lines.

The claim and title of an ancient building to preservation, to be invested with a sanctity that must not be invaded, has never been better put than by a great modern writer:

> 'The greatest glory of a building is not in its stones, nor in its gold. Its glory is in its Age, and in that deep sense of voicefulness, of stern watching, of mysterious sympathy, nay, even of approval or condemnation, which we feel in walls that have long been washed by the passing waves of humanity. It is in their lasting witness against men, in their quiet contrast with the transitional character of all things, in the strength which, through the lapse of seasons and times, and the decline and birth of dynasties, and the changing of the face of the earth, and of the limits of the sea, maintains its sculptured shapeliness for a time insuperable, connects forgotten and following ages with each other, and half constitutes the identity, as it concentrates the sympathy, of nations; it is in that golden stain of time that we are to look for the real light, and colour, and preciousness of architecture; and it is not until a building has assumed this

character, till it has been entrusted with the fame, and hallowed by the deeds of men, till its walls have been witnesses of suffering, and its pillars rise out of the shadows of death, that its existence, more lasting as it is than that of the natural objects of the world around it, can be gifted with even so much as these possess of language and of life.'

Mr. John Keppie, architect, was employed by the Corporation of Glasgow to prepare plans for the improvement of the Cross, upon the footing of the steeple being retained as it now stands. Mr. Keppie's plan seems to deal adequately with the problem. The only regret is that the building line of the west side of High Street having been recessed, it has been thought necessary to keep the east front of the new building, on the tolbooth site, to the same line. This building will consequently be detached from the steeple, and a footwalk is proposed to be carried between them. The steeple will thus be somewhat isolated. This isolation is intended to be moderated by connecting the new building and the tower by an arch. The idea is good, but the effect would probably be better if the arch was carried higher and made deeper, so as to contain a passage which would give access, by the staircase in the tower, to the new building, as it used to do to the old Tolbooth. The room or rooms so connected could be made attractive and interesting as an Old Glasgow museum. It would be appropriate to have there such objects as the Tolbooth bell of 1544, and the old Council table, across which Major Menzies shot Town Clerk Park in 1694.

After this plan had been prepared the Tramway Department seem to have imagined that more street space was required, and the architect was instructed to prepare new plans providing for the taking down of the steeple and its re-erection elsewhere. This was done, and the plans have been submitted to the Town Council and approved, but not finally adopted.

Anything more monstrous it would be hard to conceive. To pull down the tower would be an outrage; to re-erect it on another site would be a fiasco. The attitude of mind of such improvers is aptly described by Lord Cockburn in his caustic *Letter to the Lord Provost on the best ways of spoiling the Beauty of Edinburgh.* There are some, he says, 'who see nothing valuable in a city except what they think convenience. To these people, taste, or at least the abstinence from desecration which taste sometimes requires, is ridiculous and odious. They hold a town to be a mere collection of houses, shops and streets; and that, provided

there be enough of these, duly arranged on utilitarian principles, all anxiety as to whether the result shall be a Bath or a Birmingham, is mere folly and affectation.'

Referring to the removal of Trinity Church in Edinburgh, his Lordship says :

> 'The presence of such a building honours a city. It was imputed to it that it was ill formed and ill placed for modern use. Both true ; but they are objections that enhanced its importance. They disconnected it from modern times, and uses, and associations, and left it to be seen and felt solely as a monument of antiquity. Of what *use*, in the sense of these objections, is any ruin ? Yet this church was sacrificed, not to the necessities, but to the mere convenience of a railway. The railway had been finished, and was in action. But it wanted a few yards of more room for its station, and these it got by the destruction of the finest piece of old architecture in Edinburgh. The spirit that did this, or that submitted to it, would carry a railway through Pompeii.'

Then turning to the proposal to reconstruct the building, he proceeds :

> 'The old stones have been preserved, and we may have the original structure after all. We are to build a new old building. The reverence of four centuries, attached to a structure on one spot, is to be transferred, according to order, to the materials of a similar structure on a different spot. Are not the stones the same ? And what is a building but stones ? Provided we have the materials, what does it signify whether the Temple be left in Jerusalem or removed to Paisley ?'

Nothing could be more apposite to the present situation in Glasgow.

That there is any want of room at the foot of High Street no reasonable person will maintain. There is a double line of tram rails on the street, and the tram cars run past the steeple on these lines daily without a hitch, and have done so for forty years. The existing width of the street is ample, and it will be considerably increased by the rounding off of the corner on the east side, as is proposed in the present scheme. If more space were wanted it could easily be had by keeping back the line of the east side of the street still further.

Even were it the case that the street is narrow that is no excuse for destroying a time-hallowed relic which stamps individuality

upon the city. The contour of the High Street—the Great Way leading to the Metropolitan Church of Glasgow as it used to be called—alongside the steeple is now what it has been for five centuries, and we of to-day should pride ourselves that we still use the very roadway which so many generations of Glasgow citizens have trod.

A glance at the plan shows that the traffic question is a mere blind. The real object in view is to get rid of the steeple. If it is retained, it is the dominating factor in the reconstruction, and necessitates the old lines being adhered to. If it were swept away the City Improvements Committee would have a free hand to rearrange the Cross according to their own fancy, without reference to sentiment, to tradition, to historical association. In other words, the Committee desire to efface historic Glasgow and to substitute a twentieth century creation of their own, after the somewhat debased type of Piccadilly Circus.

Were the present improvement being carried out under a Town-planning scheme the steeple would be safe, as one of the conditions of such a scheme is that objects of historic interest shall be preserved. It would not be in keeping with the dignity and reputation of the City of Glasgow to disregard public sentiment as expressed in an Act of the Legislation merely because it so happens that it can carry out the proposed work without reference to the Town-planning Act.

There has already been far too much tampering with our old streets. After the fall of Orr's Land, at the corner of Gibson's Wynd, there was a crusade throughout the city against old houses. The Dean of Guild Court for more than a year was occupied with the destruction of tenements. 'It was often suspected,' we are told by Sheriff Barclay, 'that many of these time-honoured edifices, often the dwellings of aristocracy, obtained scant justice. The condemning architects were said to have had the benefit of builders in their view. Be this as it may, many houses in the High Street stretching up to the Cathedral, and the Trongate, Gallowgate, Bridgegate, and especially in the Saltmarket, fell victims to the panic.' The alterations carried out under the great Improvement Act of 1866 were undoubtedly of great benefit in so far as sanitation is concerned, but they might have been carried out with some regard to the preservation of the street characteristics of Glasgow. The Briggait, the Saltmarket, the Gallowgait, and the High Street have been 'improved' almost beyond recognition. It is time that the hand of the destroyer were stayed.

A more reverent and reasonable spirit now prevails, and we confidently hope that the improvements at the Cross will be carried out as originally intended on the footing of preserving the Tolbooth steeple and allowing it to dominate the architectural treatment.

The destruction of the steeple would bring indelible disgrace upon the city, and would load the memory of those who wrought it with eternal shame. It would be incredible to the next generation that such an astounding folly could have been perpetrated.

DAVID MURRAY.

Edinburgh during the Provostship of Sir William Binning, 1675-1677

SIR WILLIAM BINNING of Wallyford belonged to a family which claimed descent from a legendary hero, William Bunnock, who figures in Barbour's *Bruce*.[1] The story goes that in 1311, during the War of Independence, an English garrison held Linlithgow Castle, and Bunnock, a local peasant, who was employed by them to bring in a load of hay, contrived a stratagem to capture the Castle for the Scots. He hid eight soldiers in his waggon, and as it was passing through the gateway he cut the traces, so that the portcullis could not be lowered. The men leaped out, others rushed in from an ambush, the garrison was overpowered, and the Castle was taken. Tradition rounds off the story by making Robert the Bruce reward Bunnock with a grant of the lands of East Binning, which lie about five miles south-east of Linlithgow.

It is true that from 1429 for about a century East Binning is found in possession of Sir William Binning's ancestors, but there is no evidence to connect them with Bunnock, nor Bunnock with the lands. However, in 1675 he and his half-brother did not find the Lyon King punctilious about evidence, and they were granted coats-of-arms displaying the veritable waggon, with a demi-horse for a crest.

To come to historical facts, Sir William Binning's father, James Binning of Carlowriehaugh, was confidential 'servitor' to three successive lairds of Cranstoun Riddell, Midlothian, namely James Makgill, a Lord of Session, and his sons, David, and James who was created Viscount of Oxfuird. He had a house on their property at Fuird, six miles south of Dalkeith, and there the future Provost was born on March 11, 1637, the only child of his father's second marriage, his mother being Euphemia, daughter of Alexander Baillie, brother of Robert Baillie of Jerviston in Lanarkshire. When he was born his father was fifty-seven and his mother fifty years of age.

[1] Book x., lines 150 *seq.*

His father's first wife was Marion, daughter of James Addinstone of Addinstone (now Alderstone) near Haddington, and by her he had three sons and two daughters, but by the end of the century the issue of all the sons had failed and Sir William became heir male of the family.

He was apprenticed on January 10, 1655, to his cousin by marriage, Alexander Brand, merchant, afterwards of Baberton and Redhall, and on April 27, 1664, he was admitted a burgess and guild brother of Edinburgh in right of his father-in-law, Laurence Scott of Bavelaw.

He took to foreign trade, importing wheat from La Rochelle, timber and tar from Norway, and wines, brandy and sack from French and Spanish ports. During the Dutch wars of 1665-7 and 1672-4 he joined with several other merchants in fitting out from Leith some privateers called 'capers,' which enriched their owners at the expense of the enemy's trade.

At this time he generally lived at Leith, where he bought in 1669 a house in what was afterwards called Logan's Close.

He quickly rose to wealth, and in March 1675 he paid 56,000 merks for the property of Wallyford near Musselburgh. He afterwards spent 20,000 merks more on improvements and in acquiring from the Lauderdales the superiority and the teinds. The mansion-house had been lately embellished with a handsome Renaissance doorway, bearing date 1672,[1] at which time the property belonged to Sir John Falconer, Master of the Mint. The house was burnt down about the year 1885. The coal-working at Wallyford dates back at least as far as 1561, when it is mentioned in the rent roll of Dunfermline Abbey, to which the lands had been granted by Malcolm Canmore (1057-1093).[2]

At Michaelmas, 1666, William Binning was elected to the Town Council of Edinburgh. He was re-elected a Councillor for the next two years, and from 1669 to 1671 he was Treasurer. He was then a Bailie for a year, and a Councillor for the next two years, and in August, 1672, he was also appointed one of the burgess representatives on the Commission for Plantation of Kirks.[3] At Michaelmas, 1675, the Town Council elected him Lord Provost, and he held office for two years.

[1] Macgibbon and Ross, *Castellated and Domestic Architecture*, iv. 64.

[2] *Registrum de Dunfermelyn* (Bannatyne Club), pp. 446, 482.

[3] *Thomson's Acts*, viii. 79 *a*.

The elections of 1675 took place under abnormal conditions. For years past there had been a tradition of rioting and drunkenness on these occasions, and a specially bad outbreak took place in October, 1672, when 'a great convocation was made of the meaner sort of tounes people round about the toun councill house in the parliament court and in the oppen streets,'[1] as a protest against the election as Provost for the eleventh successive year of Sir Andrew Ramsay of Abbotshall, a corrupt and oppressive magistrate.

The demonstration had no practical result, but it was considered officially to be a sign of disaffection, as the choice had been sanctioned by the Crown. An action was also raised in the Court of Session to have the election declared invalid, on the ostensible ground that Sir Andrew had been appointed a Lord of Session, and that the two offices were incompatible.[2] The action was withdrawn on an undertaking by the Town Council to pass an Act limiting the term of office to two years in the case of the Lord Provost, Treasurer, and Dean of Guild. This Act was passed, and Sir Andrew was then induced to resign the Provostship.

Next autumn, as election time drew near, the Privy Council made arrangements to prevent disorder, and appointed three of their number to superintend the proceedings. These precautions were ineffectual, so in the autum of 1674 the King, professing to discover 'a factious designe' in the elections being fixed for Michaelmas Day instead of the following Tuesday, sent a letter to the Privy Council requiring them 'to lay our positive commandes upon the magistratts and Councill of our good towne of Edinburgh not to proceid in this new election, but to continow the present lord provest' and council 'untill wee shall declare our further pleasur.'[3]

In July, 1675, the King, on the representation of Sir George Mackenzie, withdrew the embargo on condition that the Council took the advice of His Majesty's Ministers in conducting the election. A party in the Council, led by Robert Baird, Dean of Guild, made a strong opposition, and 'they refused to name either Francis Kinloch to be Provost, or Bailie Hay or Bailie 'Binnie' to be Councillors; and having

[1] *Privy Council Register*, 3rd ser. iii. 605.

[2] Fountainhall, *Historical Notices*, i. 53-81.

[3] *Privy Council Register*, 3rd ser. iv. 282.

most injuriously treated the King's letter, they proceeded to a new election.'[1]

The King's reply was to send a further letter on August 25, ordering the removal of Baird and nine other members from the Council, and directing the rest to fill up the vacancies till Michaelmas, when the elections were to take place in the ordinary way. They were warned 'that they be carefull to proceid this year in electing such as are loyeall, sober, and weill affected to our government in church and state, as they would wish incouragment from us.'[2]

William Binning seems to have answered this description, and on October 5, 1675, he was duly elected Lord Provost, with the approval of the Crown, which was represented by the presence of three high officials.

The Town Council sent an address of abject servility to His Majesty, with a covering letter to Lauderdale[3] acknowledging 'the deep resentment (*sic*) we have of ye constant kyndnes you have showen to ye good toune.'

The address set forth :[4] 'Wee doe presume with most thankful hearts humbly to acknowledge your Majesties princely favour and clemencie in takeing off the restraint lying upon the Election of Magistratts of this your antient Citie of Edinburgh, which is ane eminent testimonie of the transcendent goodnes of so mercifull a Prince . . . and Wee being called to your Ma^ties^ service as your Magistratts in this place doe humblie profess that as it is our dewtie so it is our greatest ambition and shall be our constant care therein to demean ourselves obedient, duetifull and faithfull servants to your Majestie, and to this effect with sincere hearts at all tymes to prosecute your Majesties service in all matters, both ecclesiastick and civill ; In order to which Wee doe resolve to make such Acts and to take such effectual courses and apply all our outmost endeavours for preventing and suppression of seditions, conventicles and all other disorders.'

His Majesty closed the incident with a letter which stated : 'Wee doe now assure you that wee are verrie weill satisfied with these ample expressiones of your dewtie and loyaltie.'

Whatever success the Council may have had in suppressing

[1] Sir George Mackenzie, *Memoirs*, p. 313.

[2] *Privy Council Register*, 3rd ser. iv. 470.

[3] John, Duke of Lauderdale, Secretary for Scotland, 1660-1680.

[4] British Museum, Add. MSS. 23137, fol. 85.

sedition, they conspicuously failed with conventicles. In the following February the Provost and Bailies were summoned before the Privy Council and fined £200 sterling for allowing four conventicles to be held within the city, and in the subsequent December they were fined another £50 for a fifth case. The last penalty was a great hardship, as they had discovered the offence themselves, but they were allowed in all five cases to recover the fines, if they could, from the persons who were present.[1]

Binning possessed the cardinal virtue as Provost of being able to keep on good terms with Lauderdale, and in 1677 his services were rewarded with a knighthood at the hands of Lord Chancellor the Earl of Rothes, on a warrant signed by Charles II. at Whitehall on January 8.

The two years of his Provostship were full of incident. In those days the Council busied itself with every detail of life within the city, even to fixing the charges at penny weddings, and the prices and proper weights of 'comfeits, whytt sweities and sugar biskitts.' Moreover, there were no standing committees, and the general rule was that all subjects were discussed in full council.

The meetings were held every Wednesday and Friday at ten o'clock throughout the year, but there was often a difficulty in getting a quorum, so on March 17, 1676, an Act was passed imposing a fine of half a merk upon absentees and four shillings upon those who were 'sero and after readding of the prayer . . . and apoynts the saids fynes to be exacted without favour.' The Provost himself was certainly not an offender: he was only absent seven times in the two years, and on four of these occasions he explained that he was attending the arrival of Officers of State.

One of Binning's first acts as Provost was to get his own accounts as Treasurer passed by the Council. The auditing committee had refused to credit him with two items in an account of £8000 Scots spent by the town on a banquet to His Majesty's Commissioner, namely £1660 8s. of 'incidents' and £2287 10s. given to the servants that waited and to the Commissioner's own servants 'be way of gratuitie and drink money.' These items undoubtedly called for comment, but the Provost persuaded the Council to pass them.[2] Contrary to modern notions of propriety, he twice obtained dispositions in his own favour of

[1] *Privy Council Register*, 3rd ser. iv. 540-2; v. 83, 84.

[2] *Town Council Register*, vol. 28, fol. 116.

certain waste lands at Leith, belonging to the city, and no doubt found them profitable investments.

At the outset a great deal of attention had to be given to the new water supply from Comiston, which had been laid on during the previous twelve months by Peter Brauss, a Dutch engineer, at the cost of £2900 sterling. The supply proved inadequate, so arrangements had to be made for bringing in additional springs from Swanston, and the Provost took an active part in the negotiations with the proprietor of the lands and with the contractor.[1]

The question of fire engaged as much attention as that of water. In April, 1674, a large portion of Parliament Close was burnt down, and early in 1677 there was an outbreak in the Canongate-head, 'which fyre wes be gods providence extinguished before it seassed upon the foir Streit.' On October 25, 1676, the Council 'considering the great hazard that dayly is threatned by fuill [foul] chiminies, which is occasioned be the sloathfulnes and cairlesnes of the inhabitants in not sweping the lumes,' directed that chimneys must be swept twice a year under the penalty of £20 Scots, or £100 if they caught fire,[2] and on September 12, 1677, it was enacted that for the future houses might not be built or repaired with timber, 'but allernarlie with ston work, and that they be only thacked with sclait or tyll, under the penaltie of fyve hundered merks and demolishing of the buildings.'[3]

Binning set a good example in this matter. In 1678 he acquired the two top storeys in a fore-land on the south side of the High Street opposite the Cross, and he arranged with the other proprietors of the tenement—his brother-in-law, Hew Wallace, W.S., and Mr. Walter Pringle, afterwards Lord Newhall—to rebuild them in stone.[4] But his example was not rewarded by fortune. He was living in the fifth storey of a 'land' in Parliament Close when the whole close was burnt in the great fire of 1700, and the family then moved to a house in the Canongate, which, by a piece of ill luck, was burnt down too in 1708.

The Council were very active during his Provostship in improving the public buildings. In May, 1676, they ordered the erection of a new fish market in Fishmarket Close and a timber hoof [warehouse] at Leith. These were ready by April, 1677.

[1] *Town Council Register*, vol. 28, foll. 123, 124.

[2] *Ib.* fol. 192.

[3] *Ib.* vol. 29, fol. 7.

[4] *Register of Deeds* (Mackenzie), Jan. 1 and April 19, 1680.

On September 6, 1676, the Provost produced 'ane draught of ane Exchange drawen be Sir William Bruce'[1]: this was adopted and a contract let for erecting the building in Parliament Close. Two months later the Treasurer was instructed to have the pudding market at the foot of Marlin's Wynd repaired for use as a corn market, 'the present meall mercat being so strait and narrow that it cannot both be a meall mercat and a corne mercat.'[2]

More important still was the removal of the fleshers' slaughter-houses to the Nor' Loch Side 'in regaird of the prejudice the citizens sustained by the pestiferous smell occasioned by the killing of their slaughtered goods and casting furth the intralls in the high streets and vennalls, which was a great reason of the nestiness and freshnes [wetness] of the streets.'[3]

Another project which dated from the year 1676 was the establishment of the first botanical garden in the grounds of Trinity Hospital, and on January 5, 1677, the Council voted a salary of £20 per annum to Mr. James Sutherland, 'a person of knowen abilitie,' whom they had 'pitched upon for overseing the culture and for demonstratting of the plants . . . considering that this designe will not onlie contribut to the good and ornament of the citie, but also prove exceidinglie profitable for the instruction of youth in that most necessary, tho hitherto much neglected pairt of the naturall historie knowledge, wherein the health of all persones, whether it be for food or medecin, is so nearlie concerned.'[4] A committee of seven visitors was appointed, and Sir William Binning's was the first name on the list: Sir Robert Sibbald and Sir Andrew Balfour were also included.

Several new regulations in the interest of public safety were made at this time. On June 23, 1676, the Council decided that two sentries should be posted at night at the West Bow Port, 'being informed be the nighboures that they are nightlie in hazard of haveing y^r^ chops [shops] broken, and some of them are reallie broken.'[5]

Another regulation as to speed limit has quite a modern sound. 'No hackney coatchmen shall dryve at anie higher rait than step softlie, and that they ney^r^ trot nor gallop with y^r^ horses and coatches at anie tyme under the pain of ten pound Scots *toties quoties*; and farder if any of the s^d^ coatchmen shall be found

[1] *Council Register*, vol. 28, fol. 181. [2] *Ib.* foll. 124, 200.
[3] *Register of Deeds* (Mackenzie), Feb. 5, 1685.
[4] *Council Register*, vol. 28, fol. 215. [5] *Ib.* fol. 165.

dryveing y^r coatches after fyve of the clock in y^e winter tyme without a lighted linck, whereby they may see how to dryve, they shall pay the lyke unlaw of ten pound *toties quoties*.'[1]

Far the most important transaction of the period, from the Council's point of view, was the negotiation for the continuance of the city's ale tax. The right to levy a tax of two pence per pint on ale and beer brewed or sold within the city and its suburbs had been originally granted by the King in 1666, to enable the city to pay off certain capital debts incurred for the erection of public buildings—particularly the Parliament House, which was built between 1632 and 1640.

The grant was renewed for eleven years in 1670, a privilege for which Lauderdale got a gift from the city of £5000 sterling, but soon afterwards the Town Council were induced to enter into a contract with the College of Justice and the Commissioners of Excise for Midlothian, whereby the right was restricted to six years' duration. The interest which the College of Justice had in the matter was that it claimed for its members immunity from all local taxation, and this was an indirect tax which they could not escape.

As the date of expiration drew near the City Fathers realized that their debts had not been liquidated, and that bankruptcy faced them if this source of revenue dried up, so it became a matter of urgency to get the contract rescinded, and their right to the further five years restored.

Formal resolutions were supplemented by private dealings with the authorities. On March 1, 1676, the Provost reported that he and one or two of the Magistrates, 'having solicit the Lords of Session at y^r own housses, fand them verrie frank, and accordinglie did apoynt some of there number to considder the mater.'[2] Eventually the negotiations were successful, and the contract was rescinded, whereupon the Council passed 'An Act impowering the Magistrats to gratifie persones who hes bein instrumentall in procuring the prolongation of the last imposition upon aill for five yeares after Mart^s 1677.'[3]

The Act narrated that the loss of this lucrative branch of revenue 'would have rewined the toun in its credit and reputation, being lookt upon now as the best debtor in the kingdom,' but that 'by the dexterous and laborious deallings of some

[1] *Council Register*, vol. 28, fol. 195. [2] *Ib.* foll. 143, 144.
[3] *Ib.* fol. 176.

persones, the good toun's friends,' all parties had agreed to the removal of the restriction, 'which wes lookt upon as a work of almost ane insuperable deficultie to obtain the consents of such colective bodies.'

It then proceeded: 'The Councill being highlie sensible of so great a favour, the lyke never having formerly bein don to the said good toun in this age, nor yet the paralell extant upon record; And the Councill being fullie satisfied and convinced that a work of such import and profitable advantage for the interest of the good toun could not be caried on in its seaverall steps and circumstances without considerable expenses and charges, *in many particulars not necessarie nor possable to be mentioned*, which they find and judge reasonable to be honorablie defrayed to the satisfaction of the pairties concerned, and that in a way becoming the honor and interest of the good toun; Therefore the Councill grants and hereby gives warrand and comission to the present Lord Provost, four Bailies, Dean of Gild and Thesaurer, togither with Deacon Hamilton, to take such effectuall and speidie cours for defraying and reimbursing so necessarie expenss *without taking any writt from the receavers*, provyding the said charges and expenses doe not exceid a yeares rent of the s^{d} imposition.'

It will surprise no one to learn that a financial deal had to be arranged by corrupt methods, but the amazing thing is that the Corporation should engross on their minutes a formal recognition of bribery. Moreover, if they needs must bribe, one would have thought that they could have managed the business more economically than by paying twenty per cent. of the benefit to be received.

The Council did not scruple to record in black and white a particular manifestation of their gratitude. On December 8, 1676, they enacted as follows:[1] 'Considering the many signall good offices done by Sir James Dalrymple of Staire, Lord President of the Sessione, to the common weill of this city in its just concerns, which ought never to be forgotten by us nor our successors.... Therefor we ordain and appoynt our present Town Thesaurer and his successors in office to pay the house rent and maill of his Lordship and succeeding Presidents of the Session their dwelling-house within this city yearly in tyme comeing.'

In case any of his Lordship's successors should wish to take advantage of this enactment, it may be pointed out that 'this

[1] *Acts of Sederunt* (1553-1790), p. 133.

city' within the meaning of the Act includes the High Street, Cowgate and adjacent closes, but does not extend to the West End.

It is refreshing to find some traces of sound finance. In October, 1676, the Council resolved that in order to reduce the town's debt certain items of revenue were to be ear-marked for a sinking fund—namely, the shore dues at Leith, and the dues on the eleven common mills and the public weigh-houses:[1] moreover one can detect a sign of grace in the principle being laid down that no member of the Council should be tacksman of any of the town's revenues.

In the autumn of 1676 the Council adopted the policy, recommended by a committee, of letting by public roup the town's taxes and market dues, instead of managing them through their own officials.[2] The impost of £50 per tun on French wines and per butt on sack and brandy was let to Robert Mylne, Provost of Linlithgow, for 51,500 merks per annum,[3] while the impost and excise of two pence per pint upon ale and beer fetched £33,000 Scots.

The most troublesome situation with which Provost Binning had to deal arose out of a resolution of the Town Council to revive the 'weapon-shawing' by the merchants' and trades' youths on His Majesty's birthday, May 29, 1677. The Privy Council represented that these demonstrations cost at least £5000 sterling, and that on the last occasion, eleven years before, there had been fighting between the two contingents, with fatal results. The Magistrates stuck to their plan, 'thinking theirby to gain the reputation of loyalty, and to make a parade and muster during the tyme of their administration,' but they so far gave way as to order the show to be confined to the merchants, promising the trades that they should get their turn next year. This infuriated the trades, and about a hundred of their young hot-heads attacked the merchants as they were returning from a drill. The Magistrates sent for the Town Guard, six of the rioters were arrested after fierce resistance, and the disturbance was quelled for the time, but on May 18 the young traders assembled in the King's Park to the number of nearly two thousand, and the situation looked very serious. The Town Council sent Bailie Boyd and Bailie Charteris to remonstrate, but

[1] *Council Register*, vol. 28, fol. 187.

[2] *Ib.* fol. 193. [3] *Ib.* fol. 202.

the crowd was in no mood to listen. The unfortunate bailies were seized, and were not allowed to go until they signed an undertaking to release the six prisoners from the Tolbooth and to allow the trades a place in the weapon-shawing. After a hasty consultation between the Provost, Lord Linlithgow, Lord Colinton [1] and Sir George Mackenzie, the King's troop of horse was summoned and ordered to charge. The rioters then dispersed, but the trades continued to threaten violence if they were not allowed to take part in the show: 'wheirupon the Magistrats being frighted, complyed so far with their insolencies, and in a manner justified and approved them, that they pittifully past from all their former acts and proclamations, and consented the Trades youths should muster likewayes, which was look't upon by some for no act of moderation but of fear.' [2]

The Provost wrote a report on the riot to Lauderdale, who replied: [3] 'His Majesty was very satisfied with your good carriage, and commanded me to give you his hearty thanks for your care and diligence in dispersing that rude barbarous rabble.'

In recognition of Lord Colinton's services in helping to suppress the tumult the Town Council some months later resolved 'to propine [present] his Lordship with ane suite of good armour.' [4]

The Privy Council met on May 24, and again tried to induce the Town Council to abandon the show altogether, but 'the Magistrats, knowing that to discharge it was a downright reflection on their conduct, and prudence, and contrivance, delt with great earnestnesse with my Lord Chancelor and other members (whom they treated and feasted) to give way to it, and offer'd to engage their wholle estate if their should be the leist disorder committed, and brought many of the youths themselves to plead for it; and the 14 Deacons engadged themselves for their Trades.'

Fountainhall, as a Privy Councillor, was strongly prejudiced against the Magistrates, and was only too ready to attribute oblique motives to them. He says: [5] 'The deacons of trades concerning themselves in the difference did interpose, which proved so effectuall, the Magistrats durst not refuse them; for it is they who rule and influence all the elections; and he who expects ane office does not weell to disoblidge them.'

[1] Sir James Foulis. [2] Fountainhall, *Historical Notices*, i. 151-5.
[3] *State Papers* (*Domestic*), 1677-8, p. 156.
[4] *Town Council Register*, vol. 29, fol. 11. [5] *Historical Notices*, i. 158.

The ceremony passed off on the appointed day without any actual disturbance. The following official account appeared in *The London Gazette*,[1] but Fountainhall discounts it by saying that 'many things ware advanced a litle beyond what was true.'[2]

'The Magistrates and Council of Edinburgh, remembring that they owed their Peace and Liberty to His Majesties Restauration, and being resolved to testifie their joyful resentment thereof, so that every year should exceed that which preceded it, in new additions of Zeal and Expence, with some proportion to the new and yearly favors which they owed to His Majesty, did unanimously ordain: That the two Companies of the Merchant Youths and Trades Youths, should for this year, make a distinct appearance from the Cities Trained Bands, and according to the Method set down by the Magistrates and Town Council, the 29 instant that happy Anniversary day was solemnized as follows:

'At ten of the Clock that morning there were several learned and pious Sermons adapted to the design of that day, which being ended, the Magistrates retired in their scarlet Robes, and other Formalities, with the Sword and Mace carried before them, to the Town-Council House: and betwixt 11 and 12 of the clock that morning, 47 old men (according to the number of His Majesties years) came in blew Gowns, from the Abby of Holy-rood-House to the Cross. At one of the Clock in the afternoon, the Merchants and Trades Youths consisting of 2000 men, under two Captains and two Colours, with sixteen Companies selected out of the City Trained-Bands marched along by His Majesties Castle, and the Ensign of the Merchant Youths having flourished his Colours so soon as he came in view of the Castle, it did answer this signal with a complete round of Cannons; after which they entred the City by the Water-gate, each Captain having his compleat Armour carried before him, most of all the Officers, and many in each Company (especially amongst the Merchants) having Scarlet, and other fine Coats, all richly-laced, and bearing very rich Plumages, Scarfs, and Embroidered Belts. These being all orderly drawn up in their respective Stations upon the chief Street of the City, the Magistrates did about five of the Clock pass through a Lane of their own Guards to the Cross, the Magistrates being in their Scarlet Robes, with white Staffs in their Hands, and the Council being in rich black

[1] June 7, 1677. [2] *Historical Notices*, i. 157.

Gowns, the Sword and Mace being carried before them. The Cross was covered with rich Hangings, adorned with variety of Flowers, and with an Arbor of Orange and Lemon Trees, upon it were also placed great variety of Wines and Confections. After the Magistrates had drunk His Majesties Health, and the Health of the Royal Family (at each of which they were answered from the Castle) they did throw down among the people all the Confections and Fruits, and by several Conduits the Cross did run several sorts of Wines for many hours together. The Magistrates having descended from the Cross were saluted by the Musqueteers of each Company. And the Companies being dismissed, the people did by their Bonfires, Joy and Acclamations, testifie (almost all the night over) how happy they acknowledged themselves in living under the peaceable, and happy Government of their Gracious Prince and Dread Sovereign, whil'st the rest of the World lies bathed in bloud, and distracted by a thousand confusions.'

The Lord Provost was *ex officio* Colonel of the Edinburgh regiment of militia, and commanded it at its annual training on the Links of Leith.[1] Sir William Binning was not ignorant of martial affairs, for he had been Captain Commandant of the City Trained Bands, a regularly-drilled force of 1600 men.

As Provost he also presided at the meetings of the Convention of Royal Burghs, but no business of importance was transacted during his chairmanship.

His Provostship ended at Michaelmas, 1677, but he continued to sit as a Councillor for two years more before finally giving up municipal work. During these two years he only figures once in the records. In December, 1676, he had been authorised as Lord Provost to grant passes to merchantmen going abroad, giving protection from armed vessels belonging either to the French or Dutch, who were then at war with one another. It had been arranged by treaty with both combatants that *bona fide* British ships provided with passes should be free from search or seizure.

When Francis Kinloch succeeded to the Provostship the merchants of Edinburgh and the district petitioned the Privy Council to allow Sir William Binning to continue responsible for signing the passes, 'since he was knowen, and the present Provest was not versant in such affairs. The Councell granted it, tho their oune former act bore they should be subscryved by the Provest

[1] *Privy Council Register*, 3rd ser. iv. 343; v. 146.

for the tyme being; but this was a bafle to Francis Kinloch in the very entry of his office.'[1]

His grandson, Mr. William Binning, advocate, who wrote a manuscript history of the family, sums up Sir William Binning's record fairly: 'He gave many proofs of his great concern both for the safety and ornament of the city, the convenience of its inhabitants, and the improvement of its revenue.'

It is easy to criticise the nefarious methods by which the Council gained some of their ends: it can be pleaded in defence that he did not as Provost offend against the moral standard of his day, but his later career does not encourage the belief that he helped to raise it.

He had an annual allowance of £200 sterling 'for wines, house-rent and burgess-tickets': other sources of profit may be inferred from the preamble of an Act of Council of 1718 raising the allowance to £300.[2] It narrates 'the inconveniencies which have arisen to the Good Town, and to the office of Lord Provost thereof, from the practice of giving earnest-money at the roup of the Common Good; from the secret acknowledgments made in money, or otherwise, by persons who come into lucrative offices; and from the gratuities of the same kind, given by those who obtain feus or tacks of houses, lands, and other branches of the Town's revenue.'

Sir William Binning was only forty when he ceased to be Provost, and he then applied himself assiduously to the business of making money. His experience in the Council had suggested the great possibilities which lay in contracts with Government and with the City, but he was by no means proof against the temptations incidental to such transactions.

In March, 1679, when Holyrood was being rebuilt, he was paid £2212 16s. Scots for '29 dozain of great geasts [joists] furnished and delyvered in by him to the works.'[3]

At the end of the year 1679, when the Duke of York was in Scotland, Sir William Binning and Sir James Dick of Prestonfield made His Royal Highness a comprehensive offer to farm the whole Scottish revenues of the Crown. The proposal was declined, according to his grandson's account, owing to the

[1] Fountainhall, *Historical Notices*, i. 177; *Privy Council Register*, 3rd ser. v. 82, 259.

[2] *Historical Sketch of the Constitution of Edinburgh*, 1826, p. 51.

[3] *The King's Master Masons*, R. S. Mylne, p. 200.

machinations of the Treasurer-Depute, Lord Halton, who favoured another group of financiers headed by Robert Mylne of Barnton. However, the competition led to the revenues being exposed to roup, and though the Mylne group were the successful bidders, the services of Binning and Dick were recognised, on the Duke's recommendation, by a present from His Majesty of £500 each.

Next year he was more successful on a smaller scale. He and Sir John Young of Leny obtained a three years' tack of the City's ale tax for £33,000 Scots per annum, and of the Government's excise duty within Edinburgh and Mid and East Lothian for £35,184.[1] They formed a syndicate, including Robert Mylne, Sir James Dick, who was then Lord Provost, and Magnus Prince, who had been Treasurer when the tack was granted. This was in flagrant violation of the Council's self-denying ordinance.

The syndicate were soon involved in litigation. They began by levying two merks per boll of malt, which the brewers maintained was a higher rate than twopence per pint of ale. The Court of Session repelled this plea,[2] but the brewers then presented a petition to the Privy Council setting forth further charges of extortion and corruption against their natural enemies, in particular that they had made a 'corner' in barley, which they sold to the brewers at exorbitant rates, and that they had obtained their tack by giving a bribe of 14,000 merks to the Treasurer-Depute, Lord Halton, who was a Commissioner of Excise.

The accused were found guilty of attempted bribery, and ordered to forfeit the 14,000 merks;[3] 'and in regard the said Sir William Binnie and Robert Miln's parts, by the probation appeared to be hellish and foul, and that they prevaricated in their depositions, and that they confess they received that sum from the rest, to be given as a bribe to the Treasurer-depute, and that he refused to accept of it, and yet they keeped it up, and concealed the same as if it had been received, and made the rest believe that Halton had taken it, till after the intenting of this process; and that they had in a high measure abused and traduced the said Treasurer-depute in his same honour and reputation, being a Privy Counsellor and Officer of State;

[1] *Register of Deeds* (Mackenzie), June 12, 1683, and Nov. 4, 1685.

[2] *Decreets* (Durie), June 14, 1681.

[3] Fountainhall's *Decisions*, i. 190.

therefore the Secret Council, for their personal crime, fined the said Sir William Binnie in 9000 merks, and the said Robert Miln (whose house in Leith had been burnt a night or two before) in 3000 merks, and this over and above the 14,000 merks, whereof they were to pay their shares.'

Sir William Binning, in partnership with Sir Robert Dickson and Sir Thomas Kennedy, got another tack of the customs and excise for five years from 1693 at £20,300 per annum, and again got into trouble—this time because he and his partners were over-scrupulous about bribery. They objected to a charge of £2000 for wines to be given as gratuities to the Officers of State, and Dickson appealed to the King's protection. So far from getting sympathy, he was promptly charged with traducing these high officials, this 'donative' being a customary and recognised form of extortion, and he had to purge his offence by asking pardon on his knees.[1]

Whether he bribed or refused to bribe Sir William always seemed to do the wrong thing. His most notorious offence arose out of a contract, which he entered into in 1693 along with Sir Alexander Brand of Brandsfield and Sir Thomas Kennedy, to supply the Government with 5000 stands of firelocks at £1 each.[2] Brand went abroad to buy them, and wrote that 26s. was the lowest price at which they could be sold at a profit. To induce the Privy Council to give the extra price Kennedy and Binning promised Brand that they would offer a bribe of two hundred and fifty guineas to the Earls of Linlithgow and Breadalbane. In point of fact no such sums were paid to them, 'they being persons of that honour and integrity that they were not capable to be imposed on that way.'[3] Nevertheless, Kennedy and Binning disclosed the whole story in a subsequent action before the Court of Admiralty, 'to the great slander and reproach of the said two noble persons.' For the combined offences of defamation and of contriving bribery they were fined—Kennedy £800, Brand £500, and Binning £300—and were committed to prison till the fines were paid.[4]

Six years later Binning sued Brand for his share of the £1500 profit on the firelocks. Brand replied that such a dishonest

[1] *Edinburgh Merchants and Merchandise*, Robert Chambers, p. 18.

[2] *Register of Deeds* (Mackenzie), March 20, 1703.

[3] *Privy Council Register*, March, 1697.

[4] His grandson says the fines were remitted.

contract ought not to be enforced, and that Sir William Binning and Sir Thomas Kennedy were 'infamous cheats, not worthy to be conversed with, and who ought to be ashamed to show their faces in public again.'[1] The taunt received additional point from the fact that Binning and Brand had married half-sisters.

The Court held that, as Brand was equally guilty, these 'reflecting indiscreet expressions' went beyond the limits of fair pleading, so they protected Binning's reputation by fining Brand 900 merks, 'to be applied to pious uses,' and committing him to prison till he paid the fine and craved pardon of both the bench and the aggrieved parties. The result of the action was that Brand had to pay Binning £416 13s. 4d., and an appeal to the House of Lords failed.[2]

In fairness to Sir William Binning's reputation it must be recorded that he was engaged in many reputable and useful enterprises. He was one of the merchants on the Committee appointed by the Privy Council in 1681 to investigate the decline of Scotland's export trade, and to recommend amendments of the Navigation Acts and similar repressive legislation.[3] His grandson states: 'He was concerned with others in carrying on the Royal White Herring Fishery to a very great extent, and they arrived to that perfection in curing and packing, that their herrings were sold at greater prices than any others in all foreign markets. But this prosperous company was dissolved upon some political grounds to the great prejudice of the country.... After the Revolution he gave up much of his foreign trade, and entered into an agreement with George, 1st Earl of Cromarty, to prosecute the herring fishing at the Lewes. But there having for some time been no great plenty of herrings to be had, they dropped that project and set up a lead shot manufactory, which did not succeed.'

In 1683 he and some of his financial associates—Kennedy, Young, Prince and others—obtained from the Town a tack of the old building of Paul's Work, which they converted into a linen factory. It had originally been a religious foundation dating from 1479, and in 1619 it was rebuilt as a woollen factory where poor boys were to be educated and taught the trade. Sir William soon became sole partner, and conducted the linen business till the Revolution, 'when,' says his grandson, 'a

[1] Fountainhall's *Decisions*, ii. 191. [2] *Lords' Journals*, xix. 135.

[3] *Privy Council Register*, 3rd ser. vii. 651 *seq.*

new set of magistrates envying the success of the work endeavoured to reduce his tack upon frivolous pretences.' The litigation lasted five years, and the pleas, as the reports show,[1] were certainly frivolous, such as, that the institution was dedicated for training boys in the woollen trade, and it was therefore illegal to allow it to be used for teaching them the linen trade. The action was decided in Sir William's favour, but in 1699 he gave up his tack in disgust.

'Sir William was likewise concerned in a silk manufactory with several other merchants, which became a profitable branch of trade.... He also engaged with William Morison of Prestongrange in a glass manufactory, which failed by Prestongrange's bad management, to whom he sold his share with considerable loss.'[2]

In 1697 he became a Director of the Bank of Scotland for two years, and he supported the Darien Scheme with a subscription of £500 sterling.

He was in great request as a juror in important criminal cases. In 1681 he was on the great assize which convicted on a process of error the jury which had previously acquitted certain prisoners charged with complicity in the murder of Archbishop Sharp and the Bothwell Bridge rising;[3] and in 1683 he helped to convict William Lawrie or Weir of Blackwood for treason in befriending the Covenanters in Lanarkshire.[4] He was also on the juries which tried John, Master of Tarbet, for murdering a French Protestant refugee in 1691,[5] Sir Godfrey M'Culloch for murdering his neighbour William Gordon,[6] and Charles, Lord Fraser, for treason in the Jacobite cause.[7]

It is to be remembered that in those days service on a jury implied political allegiance to the ministry in power, who made no pretence of empanelling an impartial tribunal, least of all in political trials.

At various times between 1678 and 1704 he was a Justice of the Peace and Commissioner of Supply for Midlothian.

He was twice married. On December 27, 1662, he married Elizabeth, daughter of Laurence Scott of Bavelaw, and had a family of seven sons and three daughters. Lady Binning died

[1] Morison, *Dictionary of Decisions*, p. 9107.
[2] William Binning's MS.
[3] Cobbett, *State Trials*, xi. 91, 95.
[4] *Ib.* ix. 1040.
[5] Arnot, *Criminal Trials*, p. 157.
[6] Mackenzie, *History of Galloway*, ii. app. p. 54.
[7] Arnot, p. 76.

on December 4, 1698, and on April 28, 1701, Sir William married Mary Livingstone, daughter of George Livingstone of Saltcoats, East Lothian, and widow of Alexander Menzies of Coulterallers, Lanarkshire. She survived him, but had no family by him.

Sir William Binning died on January 7, 1711, aged seventy-three, and was buried in Greyfriars Churchyard.

Three of his sons married, and two of them had one son each, but with these the male line ended. Charles Binning, Sir William's fifth son, was Solicitor-General for Scotland from 1721 to 1725, and in 1755, when he was eighty-one years of age, he was elected Vice-Dean of the Faculty of Advocates. He lived till 1758.

None of Sir William Binning's letters or private papers seem to have survived, but the external facts of his career illustrate the municipal life of Edinburgh during one of its periods of development, and they reveal some of the methods of one of the leading Scottish financiers of his generation.

John A. Inglis.

A Journey in Belgium and Germany a Hundred Years Ago

IN the year 1814 Mr. William Anderson, of the Advocates' Close, Edinburgh, had occasion to make a journey to Saxony. It was necessary to go and return as quickly as possible. The quickest travelling then possible in this country we should not now consider rapid, and on the Continent there were peculiar difficulties. Napoleon, after his disastrous failure in Russia, had returned to France followed by the few survivors of his expedition. Wellington had driven his armies out of Spain. Russia, Austria and Prussia had leagued themselves with Britain against him and defeated him in battle after battle. In March, 1814, the Allies entered Paris. Napoleon abdicated, and was banished to the island of Elba. He landed in Elba on the 4th of May.

It was just a week later that Mr. Anderson set out on his journey from Edinburgh at five in the morning. He went by coach to London, and arrived there in time for dinner on the 14th. From his setting out till his return to Edinburgh he kept a careful and minute journal. Part of his journal was published in this Review last year.[1] The following embodies further extracts from it.

What he learned in London was discouraging.

'The various accounts I received,' he writes, 'of the length of the journey and the perturbed state of the Continent, were not at all calculated to make me anticipate any pleasure in the Excursion. The half of the population of Towns through which I must pass was reported to have been swept away by a contagious fever, still raging with unabated fury: whole districts on the same route were said to be desolated by Cossacks, Conscripts and other murderous Banditti: the Roads and communications between the Towns where the Battles had been fought, were stated to have been destroyed, and not yet re-established: every representation in short which happened to be made to me on the

[1] *S.H.R.* xi. p. 376 *seq.*

subject, was of the gloomiest character: and at this moment I would gladly have given a hundred guineas to have been allowed to return to Scotland, if I could have done so, with any credit to myself.'

However, he got a passport, in the French Language, signed by the Foreign Secretary, Lord Castlereagh, and decorated with an engraving of my Lord's Coat of Arms,

'praying and requiring, in the name of his Britannic Majesty, all Admirals, Generals, Governours, &ca., of the Princes & States, friends and Allies of his Majesty, not only to allow me to pass with my clothes & Baggage without any interruption, but also to give me any assistance of which I might stand in need in the course of my Journey.'

He paid for this Passport £2. 7s. 6d.

From London he took the coach to Dover. There he arrived cold, wet and tired to find an excessive crowd of travellers whose affairs in France or England had been stopped by the war, and who were hastening to take advantage of the peace, and many freed prisoners returning home.

He had scarcely set foot in the inn at Dover when he was, he says, 'furiously attacked by many captains of the packet boats, each of whom boisterously praised the superior excellence of his own accommodation.' On the recommendation of a French chambermaid, he decided to go by *La Parfaite Union*, Captain Mascot, who, she assured him, understood the difficult entry into the Harbour of Calais better than the Dover men, 'And besides,' added she, 'the English Captains charge a guinea, but Mascot will carry you over for half the sum.'

They were detained at Dover for two days by foul winds.

'On the morning of the 23d. of May,' he writes, 'the weather was still boisterous, but the wind being a little more favourable, we were informed by Captain Mascot that he would sail about 11 o'clock.' He was astonished to find that there were more than 100 passengers.

'In a very short time after we left the Harbour all the foreigners, both below and on deck, became mortally sick, and expressed their sufferings in the most unmanly manner. Few of the English were affected, and not in the same degree with the French and other foreign officers, some of whom were actually frantic and bellowed with pain.

'The women I could only pity sincerely, but the writhings and twistings and loud outcries of the French officers compelled me to laugh heartily, at the hazard of my life.'

He had been recommended to a certain inn at Calais. 'The moment I landed,' he writes (23rd May, 1814), 'I inquired my way to the Street of the Prison, where I found Mr. Dutent, & was mortified at the shabby appearance of the house. The Landlord however was so extremely civil, that I determined to stick by him, and he immediately went with me & got my Portmanteau cleared at the Custom house, which was not at all searched.—He then carried me before the Mayor of the City, where they imposed another passport upon me, & took an accurate account of my person, such as my age, size, colour of my hair & eyebrows, forehead, eyes, nose, mouth, chin, visage, complexion, etc. and made me pay 3 franks for this ceremony, notwithstanding Lord Castlereaghs recommendations in the paper I got from Downing Street.—Returning to the Inn I was shewn to my bedroom, in a corner of the Court, up one pair of wooden Stairs. The door had no lock. The floor was covered with sea sand. A thing like an old Tureen was the wash hand basin. There were two chairs one without a back; and although the small Bed seemed to be quite clean, there was neither comfort nor security in the place, & I cursed Messrs. Mar & Vickery from the bottom of my heart.—I dined in a large public room, the floor of which was also covered with sand. I had three or four good little things, very well cooked, with a desert of Apples, dried fruit, & cake. This cost 1/8d. A bottle of ordinary Bourdeaux cost the same. The best Claret cost 3/4d, and for good table Beer, very like what we have in Edinr., nothing was charged.

'A person of the name of Jean Malmendier a Mill Stone Merchant from Malmedy in the 'department de l'Ourte,' had crossed with me from England, and drank his coffee at the same table at which I dined. This man's advice changed the plan of my journey, & I gave up the idea of going by Paris, resolving to proceed straight through the Netherlands.—He had been lately at Dresden, and plausibly assured me, while he drank my claret, that it was a Journey of great ease and safety.—We had now a visit from Capt. Mascot & his Mate, who called to receive payment of their freight.—I was here a little vexed to be obliged to pay a guinea, while Mr. Malmendier got off for 7 francs, but this was his Bargain, and on the Continent, particularly in France, the price of every thing should be previously agreed on. The most reputeable Innkeepers, Shopkeepers, dealers in short of every description, scruple not to ask the double or triple of what they would take, a practice unknown in Britain, except

among the Fishwomen of Edinburgh whom one would think from this circumstance had received their education abroad.

'We went to the Theatre which is mean and dirty. In the pit there are no seats. On the drop scene, which was much tattered, we saw inscribed on the drawing of a pillar 'aux six Heros de Calais' meaning Eustace, St. Pierre, &ca., who offered themselves as Sacrifices to save their fellow citizens. The piece was 'Le fils Juge de son pere,' which I understood very tolerably and did not dislike the acting. The audience was scurvy. Several women of the Town dressed in an odd like uniform occupied a particular range of the high boxes. A large Chandelier suspended from the roof did not afford sufficient light to enable us to read the play Bill. We did not wait till the conclusion of the piece, but returned to Mr. Dutent's to supper, where we found him presiding at table, and serving out Soup, fish, roast veal & Salad, to a number of mean & butcher like men and women. We were obliged to join this company; but I soon left them, and withdrew to my miserable bed room.

'Next morning (24th May) Leaving the Ramparts and ditches of Calais we trotted pretty quickly by a good road, through a low country.

'At Nieppe (25th) I entertained a young Lady from Dunkirk (a fellow passenger) with a glass of Beer, which cost 3 half pence. She begged of me, in return for my attention, to take care of myself, saying that one of the Prisoners from England before we joined them at Cassel, had sworn that he would insult & kill the first British subject he met with, in revenge for the injuries he had suffered from that nation. I am sure the fellows were cowards, for from the moment I began to keep my eye on them, they did not venture upon one disagreeable observation.

'Between Nieppe and Armentiers we crossed the River *Lisse* or *Lis* which is here a deep looking Stream about 150 feet broad. They cultivate in this Country all along the Lisse great quantities of Colzat or rape, at present in yellow flower, the seed of which is crushed into oil for burning. They make great quantities of Barrel Hoops, from the large shoots of the pollarded Willows with which the Country abounds. The Rye was at present in ear, and patches of Barley in great forwardness which they were cutting for their cattle, and it appeared to be a very heavy crop. The peasantry all seemed quite comfortable, covered snugly with their blue linen frocks, which at the Necks were finely ornamented with white needlework.

'After crossing the *Canal of Douai* we were stopped at the Barrier of *Lille* about four oClock, where our passports were taken from us, examined attentively, & the substance of them copied & registered. In a short time I was set down with my luggage at the Hotel of Portugal, a House of no extraordinary merit. At the common table I found no one but a French Officer just arrived from Flushing which he told me was now *impregnable*. I was resolved to have at least a peep at this celebrated city, which like Brussels, is called 'Little Paris.' The city of Lille on the River *Deulle* is said to contain 70,000 Inhabitants, but I think this cannot be the case. The Streets are rather narrow & crooked. The Houses are large, built of Brick, painted chiefly cream colour, & highly ornamented in the old Style with Pillars & Stucco Ornaments. The *grand place* or Square, the Exchange & the Town House, are worthy of notice. I went to the Theatre, a fine capacious Building, with three rows of Boxes, besides the parterre & Slips. The drop curtain was of light blue stuff of the appearance of Satin, with gilded ornaments at the bottom, producing a rich effect. A grand Chandelier, with numerous Argand lamps suspended from the roof, in the middle of the House, gave abundance of light. The play was called 'Les Heretiers' with 'Felix, ou L'Enfant trouvé.' Every place, particularly the unseated Pit, where I stood, was crowded with Military, from all quarters of the Empire, loud & empty, recognizing & kissing each other, & rendering the performance totally unintelligible. I never witnessed such coarseness & brutality of behaviour. A poor child began to cry, which displeased these loquacious gentlemen; & though every one of them made ten times more noise than it did, they called out imperiously 'l'enfant a la porte,' and actually drove the child and its Mother out of doors.

'At Ghent (26th May) I got into a very good Inn called the *Paradise*. This great Town is situated at the Junction of the *Lisse* and the *Scheld*. The Buildings public & private, the Squares, Market places & Quays are on a great Scale, but very old. The Towers of the Cathedral and another large Church containing admirable Bells, playing every quarter of an hour, are particularly remarkable.

'I went into the Theatre where '*Le Calif de Bagdat*' was performing. It was large, neither elegant, nor very clean. The Parterre, & the Parquet, were seated. There were three Rows of Boxes besides the Slips. They had a capital Orchestra, with 20 or 25 performers. Prussian Officers composed the principal part

of this Audience, respectable men in their appearance and behaviour, very unlike the French Officers whom I met with at Lille. At supper in the Paradise we had a number of Prussian Officers, some Dutch merchants, & French & Belgian Officers in undress, descriptions of People who did not mix or amalgamate well together. The Prussians at the head of the table contrived to keep the best dishes to themselves, not allowing them to circulate among the French Belgians or Dutchmen, which somewhat altered my opinion of their politeness, especially as I likewise was excluded from a share of the delicacies. At this Inn I had an excellent Bed. The floor of the room was covered with Sand to be sure, but there was a carefully swept avenue from the door to the bed, & from the Bed to the wash hand Bason &c.— My sleep was uninterrupted, except by the exquisite music Bells of *St. Bavon*, which sometimes broke in divinely upon my repose.—

'At Brussels (27th May) I went to the *Hotel d'Angleterre*, where they have a very fine large public Room, in which, in a very short time, my dinner, or rather Supper was on the Table. They gave me Vermicelli Soup, Cabillou or *Morue*, *Coutelets*, *pigeons*, Quails, Asparagus, pastry, &ca ; and after I had a bottle of good *vin de Grave*, I was shewn into a large insulated Bed room entering from the Court, with a good clean Bed, & every thing pleasant, except the sand on the floor.

'My supper, (which would have been excellent if the Prussian Officers had been at Berlin) a pint of Rhenish, a tumbler of Gin Toddy, My Lodgings & breakfast, including a Franc for the Domestics, cost 5/- Str.—

'After Breakfast I went to inquire about the conveyance to Liege, & I was vexed to learn that the Diligence did not start till tomorrow Evening. Having secured a place I proceeded to deliver a letter from Mr. Degacher the Inn keeper at St. Omer, to a Mr. Kerr a Scotsman settled here as a Bijoutier at No. 1014, Rue de la Montagne. It was no easy matter to execute this commission. Almost every person I addressed could speak only Flemish. I thought myself lucky in meeting a Highland Soldier, but tho' he had been here three weeks he knew nothing about the Streets, saying he never quitted his Quarters, except when he went to parade, for fear of losing himself. I discovered notwithstanding, the place of Mr. Kerr's residence, after having trudged through half of the Streets, Squares, & Market places of the Town. The Streets like those of most of their other Towns, are

bent & rather narrow with the gutter generally in the middle, & no side pavement.

'I found it necessary on my return to the Hotel to employ a commissionaire, & got a civil old fellow who carried me to Messrs. Dunoot & Son Bankers, on whom I had a credit from Coutts. For my draft on London of £25 Str. I only got 22 Napoleons of 20 francs, being about £18. 6/- str, suffering thereby a loss of 24 or 25 pr. cent, & had also to give a praemium for gold instead of silver crowns, with which they wished to pay me, but which I could not conveniently carry.

'On Sunday (29th May) the Whitsuntide fair was still going forward with encreased spirit, & was enlivened by the presence of a new Regiment of Belgian Horse, who seemed to be very proud of their uniforms and other equipments.—Between one & three oClock the *Parc* is the fashionable resort of the Beau monde of Brussels, & there we went accordingly. Here there were in waiting great numbers of handsome equipages, & very elegant Hackney Coaches. The walks were crowded. At least twenty different Uniforms, of all colours, were sported by the Officers. The dress of the Ladies appeared to me to be very unbecoming. They were all of low Stature, & wore very large Straw or silk bonnets ornamented with immense bouquets of all kinds of artificial flowers, & great shawls. A heavy shower put the whole to flight, & the Military run faster than the Ladies to preserve the lustre of the gold & silver frippery with which they were covered.—I dined by invitation at the mess of the 78th Regiment. Seventeen or eighteen officers were present & they treated me with every possible degree of attention. They complained that their dinner was unfortunately not so good as usual, & they certainly had some reason.—It was the worst entertainment I had seen, since I landed on the Continent.

'Passing the Town of *Overwenter* we arrived (1st June) at *Remagen*, a place with old fortifications where we stopped to dine. A number of people besides ourselves were present in the public room, and a plentiful dinner was placed on the Table. Among other things we had Eel & barbel from the Rhine. A Lady in the complete dress of a common Cossack sat next me, & it was some time before I discovered her sex. She was very beautiful, and was attended by a real Cossack who sat at Table with us, & whom she ordered to eat when he appeared reluctant. Some one of the Cossack Officers had entrusted her to this slave's care, &, as she spoke the language well I concluded that she was

a Parisian Adventurer who wished to visit the Banks of the Don. We had a great deal of Rhenish wine both red & white, & went off in high Spirits. Two Germans elevated with the good fare, & the Conducteur of the Coach, vied with each other in singing drinking songs, which, altho' I did not understand much more than the repeated admonition 'drink wine, drink wine,' must have been extremely agreeable to a Bacchanalian.

'At Coblentz the first thing pointed out to us was a grand well or fountain with this inscription

AN. MDCCCXII
MEMORABLE PAR LA CAMPAGNE CONTRE LES RUSSES.
SOUS LA PREFECTURA DE JULES DOAZAN.
VU ET APPROUVE PAR NOUS COMMANDANT RUSSE
DE LA VILLE DE COBLENTZ.
LE 1er. JANVIER 1814

The sneering addition is highly relished by the Allies & their friends, & thought clever. The Town in fact was at this moment filled with Russians, & Count Orloff Denezow commanding the Cossacks, lodged in our Inn. He was, if it was really he whom we frequently saw, a grave looking, stiff, formal, stout built man of 50, in a blue Uniform, more like a Pastor & a Judge, than the Leader of such troops.

'I strolled towards the Banks of the Rhine, & found myself environed by the Troops who had marched past the window of the Inn at Breakfast time. It was now about one oClock & rained horribly. Their Artillery & baggage & themselves were so numerous that they had not nearly crossed at this hour. They were braving the Tempest without seeking any shelter though at hand; & the Regiments who had got over were standing firm on the opposite bank in the same way. The passage was effected on an immense machine composed seemingly of two great barges connected by a platform, which they support. This huge vessel swings like the pendulum of a Clock from the one side of the River to the other, the swiftness of the motion being encreased or diminished according to the strength of the current. It is fixed to an adequate support several hundred yards up the Stream by chains & cables, which rest upon & are upheld by six or seven interjacent moveable little boats. More than 700 men, perhaps a whole Regiment had embarked on this vessel when I first saw it, & it was soon flung off from its

moorings having a large boat attached to it, & also swinging across under its lee, containing a Band of Music, playing a march. They were landed on the opposite side in six or seven minutes, although the Stream is 5 or 600 yards broad; and in about a quarter of an hour more, the vessel returned bringing back French Capitulants & people of the Country.

'The number & diversity of the Troops which filled this Town and its environs at this time was inconceivable, & the Inhabitants knew nothing at all about them. They were however beginning to feel a disposition to throw off the political lethargy under which they had so long laboured. They had got two newspapers of liberal sentiments, the *Rheinischer Mercur* & *Frankfurter*, which gave them some knowledge of what was going on in the world. The Westphalian Lady had the goodness to read & explain to me several Articles in these papers. The whole mass of the people here seemed to detest the French, & exult in their liberation, while at the same time they were by no means freed from their sufferings. Every description of Troops, Russians, Prussians, Poles, Cossacks, Kalmucks, Baskirs, & French returning, annoyed the Inhabitants of the Town & the Country; & it was mentioned to me by Traders that untill all those Troops were gone, & untill proper regulations were established, that no merchant would consign any goods into these Countries. At this time, such were the prohibitions on Mercantile intercourse that Muscovade Sugar was selling here at 6 franks per pound, & coffee of the Colonies at the same rate; while in other places not distant, these articles did not yield a fifth part of these prices. The inconsiderate & illjudged oppressions of Bonaparte & his Generals commanding in the new departments, or Countries in the temporary occupation of his Troops, had totally ruined a number of the best established Houses. The conscription had either carried into the army or dispersed the Clerks & Apprentices. The pressure of the war had always fallen heaviest on the Merchants, either by requisitions of money or goods; & in consequence of all these things the links of the great mercantile chain throughout Europe were broken, the Communications were stopped in a great many places, & a general want of confidence prevailed in these districts, evils which the absence of foreign Troops, a general peace & some length of time, can alone remove.

'In the morning of June 2 the public room was filled with Russians and their subject allies; at dinner time we had a

number of Prussians, & at the Supper Table we had six or seven French Officers belonging to the Garrison of Magdeburgh. This variety was very amusing. These Officers said without disguise that they were so much alarmed for the Cossacks, that they would not travel Post, but preferred to march on foot all the way with the Garrison. They said they had been very badly used on the Road;—that although they had got orders on Villages for Lodgings & bread that the Peasants would not comply with these Orders nor the magistrates enforce them; that even their sick were obliged to ly on the ground in the Streets, without straw & victuals, & that although they, the Officers, offered to pay for bread, the Peasantry refused to sell it. They said that their commanding General had made six sorties during the blockade of the place, which they considered absolutely unnecessary & blameable, as they could be attended with no good result; while they had at the same time too few Soldiers to man the Works. When the Gazettes or Newspapers announcing the dethronement & abdication of Napoleon were sent to them by the Allies, they believed that they were forgeries. Their opinion now was that they were to have peace with all the World but England. They admitted her generosity & disinterestedness in restoring their Colonies, which was at this time talked of; but the dominion of the seas, the monopoly of Commerce, & *delenda est Carthago*, were words & phrases which they had got by rote, & all the ideas connected with them, created in their minds & fostered by the Emperor, continued to flourish with undiminished rancour against Great Britain.

'At St. Goar there is a very good Inn. I entertained the *Conducteur* with a little Bottle of very good white wine; and here a Lady entered the Carriage accompanied by a beautiful young Girl, the first as a Traveller, the latter to escort her friend only to the outskirts of the Town. This young Lady was very entertaining; & I was surprised to remark the thankful & warm gratitude with which she wished to repay any little civility on my part; so unlike a saucy English woman, or a prim Scots Miss, who consider themselves entitled to every attention on the Road, without returning the slightest acknowledgement to their fellow Travellers.

'At Botler (June 7) they had a large box to receive contributions for 'the unfortunate sufferers of Botler' & I gave them half a crown without reluctance because I witnessed the necessity of the case to a certain extent. The loss however in

point of magnitude was extremely trifling. I do not think the number of houses & families burned out exceeded fifty, & such houses as a beggar would scarcely inhabit. The Post house alone, & the wooden building which had escaped the flames were of any value, and I am sure that the whole damage would not amount to £1,000 Str. Yet in the English Newspapers, accounts from Germany announced the destruction of this beautiful village, as one of the greatest calamities of the war, & the circumstance was held out by the German beggars in London as one of the most powerful motives to induce the People of Great Britain to part with their money.

'Every body has heard of the great fairs which are held at Leipzig to which Merchants from every Nation in Europe resort in numbers. There are three of these fairs in the course of the year, of which that of Easter is the most important & best frequented. It begins three Weeks after Easter, & sometimes lasts till near Whitsunday. The Fair of St. Michel or Michaelmas Fair, begins on the first Sunday after the 29th of Septr, & lasts about three weeks. The Fair of the New Year which is the least important of all, begins on the first of January & likewise lasts about three Weeks. Properly speaking the duration of these Fairs is only one week, but during the Week before & the Week after each, a great deal of business is done. Bookselling is one of the principal branches of Trade at these fairs, & you are always sure to find an immense number of Works, ancient & modern heaped up in their Warehouses of Literature.

'Leaving Leipzig (June 11) our Carriage was a sort of Gig drawn by two horses. The Road was very good, but the Postillion a sleepy, lazy rascal made slow progress. Not far from the Grimma Gate stands the *Potence*, on which some daring Leipziger suspended an effigy of Bonaparte on the second day of the great battle. All along for several Miles, the Houses & Villages were more or less injured, but the buildings were as bad as can be imagined, all built of wood, & have either been very rapidly rebuilt & repaired, or had not been utterly consumed & destroyed as represented in Britain. Every thing in the way of Agriculture was looking very well. I remarked that the Peasants were planting potatoes at this late period of the season, but in very small quantities. This excellent root does not appear to be a favourite on the continent.

'On the left we saw *Taucha* situated upon a height, a Village particularly noticed in the History of the battle. We stopped at

the Village of *Porstorff* on the Partha, a place celebrated for the excellence of its apples, where Mr. Hopffgarten entertained me with ale & rye bread, which is universally used in Germany. I did not at all like it, as well on account of its brown, dirty colour, as a sourness in its taste. They commonly feed their Horses with great quantities of this bread. Our Postillion regaled himself & his horses with slices off the same loaf.

'At Meissen (June 12) the Inhabitants are principally Lutherans & have two grand churches besides the Cathedral, one in the higher part of the Town and another more magnificent one in the lower part. We visited each of these Churches. They were both quite full of People chiefly Women; the greater part of whom wore for their head dress a heavy Polonese Bonnet of black Bear skin, with a large gilt knob or Tassel on the Top. Both of these Churches had organs and splendid altar pieces. That in the lower part of the Town had a number of boxes for the higher classes, glazed in, which had a good effect though somewhat incompatible with the equality of the Christian reformed religion. These Churches were seated like ours; but neither in point of cleanness nor magnificence do they bear the least resemblance to the Churches of the Roman Catholics. Taking away the Organs, the Tunes & mode of singing their psalms were very like the best we have in Edinburgh. We now travelled along the right Bank of the Elbe clothed with Vineyards, Corn, Woods, Country houses, & Villages. The River embellished the scene, presenting at every reach a number of Vessels in full sail.

'At a Village hereabouts we saw a marriage party coming out of Church. The women, all powdered, accompanied the Bride in procession & the men adorned in the same manner followed the Bridegroom; but how the ceremony was to be finished, I cannot tell. They were common Labourers, & seemed to be very happy.

'Mr. Hopffgarten informed me that all the peasantry & Labourers of Saxony eat flesh twice a week or oftener, & have always abundance of vegetables of all kinds, & good bread & beer; that they are, as I saw, perfectly well clothed and not unfrequently enjoying themselves in the Public Houses; that the Country in short is plentifully supplied with every necessary of life, & consequently that the Population is great. It is true that when the French & the other armies ravaged the Environs of Dresden & Leipzig, many of the Peasantry were maltreated, & a

few individuals actually died of famine, because what they had was taken from them in consequence of the pressing necessities of the Soldiers, & they were not immediately enabled to withdraw from those scenes of devastation ; but this lasted no longer than the presence of the hostile armies. Every thing soon flowed in its common course, & our accounts of the distress of these people must have been highly exaggerated. Our subscriptions therefore appear to me to have been quite unnecessary. They were solicited through the medium of some Germans of consideration to save themselves, & that too in the most debasing terms of supplication ; but on the Continent beggary is a system inculcated from Childhood, as every Traveller may see from Calais to Dresden. More universal, & as poignant distress must have recently been felt in Scotland, occasioned by selling the Furniture of the poor, for payment of their Taxes, than has been experienced in Germany from the partial presence of the Combatants. No subscription however was ever thought of to alleviate these sufferings at home. A poor Family stripped of all it possesses by the Officers of its own government, must surely entertain as resentful feelings against these Officers & their Employers, as they would against a foreign enemy who might happen to pillage them to the same amount. It is shamefully impolitic to throw away our money for the relief of people abroad, when we have so much distress at home to provide for, and that too among People whom the difficulties of Government obliged them to train to arms.'

Mr. Anderson reached Dresden on 12th June, and set out on his homeward journey on the 17th. He returned by a different route, crossing France instead of Belgium.

'If I had not been frequently accustomed to the sight, the long Spears of the Cossacks, the trampling of their horses, and their irregular advance, all appearing indistinctly between us & the departing rays of light, would have been somewhat alarming. We met about fifty or sixty of these Stragglers at various places, when it was almost completely dark, pushing after their companions whom we had left at Naumburgh & Weisenfels ; but they were perfectly obliging, making way for the Carriage, & touching their caps as they passed. I would rather have encountered a thousand of these poor fellows, than one smart Gentleman of the Road on his blood Gelding in the vicinity of London. For the last twelve miles of the Stage it was perfectly dark, without Moon or Stars, & we did not meet one Carriage or

a single Soul the whole way. It was nearly twelve o'Clock when we got to *Weimar*. All the people belonging to the Inn were in bed; notwithstanding which in less than ten minutes, I had a very excellent Supper put on the Table, in a more comfortable Bed room, than any I had seen at the smaller places on the Road since leaving England.

'On Saturday morning the 18th of June I left Weimar.[1]

'At the first toll bar after Erfurt the Postillion passed me off for an English Courier—Couriers pay nothing, & the Driver told me that I had thus saved 6 Groshen 8 fennings; of which sum it appears I had accordingly cheated the Subjects of his Prussian Majesty. The same thing was repeated at another toll; & the Vagabond insisted on being paid the half of what had been thus saved by way of praemium. I lent a deaf ear to his entreaties & representations, alleging that I did not understand him, which was partly the case. I was the more inclined to refuse him any extraordinary allowance, as he first took up two blackguard looking Lads who were going to hunt, & afterwards, what was much worse, he placed beside me in my little Carriage an old Saxon Woman who was going to Gotha to sell eggs. On the way, we met a fine Regiment of Russian Lancers on horseback, with little flags at the end of their spears, & all wearing green boughs in their helmets, & singing national warlike airs. We next fell in with another Regiment of Russian horse, & many troops of Cossacks. The whole Road in fact was covered with different Corps of Russian Cavalry.'

On the morning of 26th June he reached Paris. 'I intended by a great effort to visit the Church of *Notre Dame* before dinner, but was arrested by the *Palais Royal*, certainly a very odd place. It is an oblong Square about 200 paces long & 100 broad, with terrace walks, lined with 8 Rows of lime Trees, furnished with an immense number of chairs for the convenience of those who frequent the place. It is surrounded with lofty buildings 4 or 5 Stories high, & a broad covered way or Piazzas goes round the whole Square. This little square in the centre of Paris almost, is the focus of every thing that is profligate in the French Empire, &

[1] Goethe, now sixty-five, and engaged in publishing his Collected Works in twenty volumes, had in 1814 been settled in Weimar for thirty-eight years. Mr. Anderson's friend, 'Mr. Walter Scott, Advocate,' had published his translation of *Goetz* in 1799. But our traveller, highly accomplished in most things that interested his Scottish contemporaries, records his short stay at Weimar without a sign that he has ever heard of Goethe's existence.—A. M.

to an idle man affords an eternal round of all sorts of amusement. There is no such other place in the whole world. In London & other cities there may be as great wickedness & folly & luxury, scattered & spread over the whole extent of the place, but in the Palais Royal they are compressed into one point, & reign paramount to every other consideration. This place was formerly the Garden of the Palace of the Duke of Orleans, & there was a report that to oblige the virtuous Louis who now reigns, the present Duke intended to remove all these abominations, which disgrace the vicinity of his princely mansion. It was quite fair, & this was the first summer day they had had at Paris this season, but the water flowing from the fountains into the Kennel, which is in the middle of the Street, soon becomes perfectly abominable; & being splashed about on all sides by the horses feet, & the wheels of a thousand Fiacres, & Cabriolets, it is impossible to avoid being bespattered with the filth. Add to this, there is no flagged pavement on either side, so that the foot passenger is compelled to travel along on the causeway, which slopes from the walls of the houses into the gutter, and is often obliged to escape into a shop to save himself from being squeezed to death by a Cart or a Carriage.

'My first object in the morning of Monday the 27th of June, was to secure a place in the diligence from Paris to London, & as soon as I rose I repaired to the *Rue Notre Dame des Victoires*, from which I was told it started. I was here grieved to find that every place was taken till the 29th of June at 12 oClock, & I got the 6th place in the *Voiture* which set out at that hour. My place cost me 110 francs.

'My friends carried me to the museum at the Louvre, where we first went into the low Rooms containing Statues, Busts, & Bas reliefs consisting principally of what they called the 'fruit of the conquests' made by their Armies in Italy. Agreeably to the treaty of *Tolentino*, these fine remains of antiquity were selected at the Capitol & at the Vatican, by Berthelemy, Bertholet, Moitte, Monge, Thouin & Tinet. These rooms thrown almost into one are denominated '*La Galerie des Antiques du Musée*.' The Statues of Venus (that imaginary Goddess of Love) ever since the early days of Greece, have held the highest rank. That Statue 'which enchants the world' is here, the Venus called '*La Venus de Medicis*.' I went prepared to admire, but could not, so great is the misfortune of not being a man of taste, nor an artist. This statue (No. 123 of the Catalogue) is very

indistinctly described. It is said to be executed in Parian marble of the finest quality; that it was first shewn at Rome in the Garden of the Medicis, & afterwards placed in the Gallery at Florence. The figure is small, the marble is vilely discoloured, & every part is disfigured by modern amendments. The head, separated from the Body is badly replaced; in the same way, the arms are re-organised, the joinings being too palpable; the thighs are broken, as well as the legs, & the ancles. Three or four plugs of Marble, of a brighter colour than that of the body of the statue, penetrate & support the divine hips of the Goddess;—& on the whole it is impossible for any body, but a rapturous Amateur & artist, to fall in love with these *beaux debris* of this celebrated Image. If an opinion durst be hazarded, I would say that it was not the real Venus de Medicis, & certainly it is not like any cast of that statue which I have ever seen. Exposed to every censure, I simply state what I felt. The catalogue says it was the work of *Cleomenes* an Athenian, which is marked in Greek characters on the plinthe of the Statue, but it is admitted that this inscription is modern. We were told in the same way by the catalogue that 'La France a du l'Apollon aux victoires de Napoleon, pendant sa première Campagne d'Italie;—sa *munificence* a valu aux arts ce second chef-d'oeuvre.' I never exactly heard what they meant by this munificence, excepting that the one as well as the other was carried off by force of arms. The Picture which of all others most attracts the attention & admiration of the Parisians, is No. 85 of the Catalogue which we got here, being 'Cambat memorable, du 24 frimaire an 7, de la corvette francaise la Baionnaise armée de 24 Canons de 8, commandee par le Capitaine Edmond Richer, prenant a l'abordage la Fregate anglaise L'Embuscade, portant 40 Canons dont 26 de 16.' This is a subject of great exultation to the French. My Friends, from an excess of politeness, thinking the subject would be painful to my feelings, did all they could in the most artful way, to prevent me from looking at the picture; but I was by no means affected in the manner they supposed. I recollected the accidental capture of the Ambuscade, which was principally owing to the revolt of a great part of the Crew who were united Irishmen.

'I went into a great number of their shops, & Coffee Rooms, & as I was not to dine till past six, I took this opportunity of looking at a few more of their eating Houses, and at length fixed *A la Salamandre*, *Palais Royal*, *Galerie Montansier*, No. 44.

I tasted here by way of lunch *Boeuf au choux*, and *langue de veau aux petits pois*, both of which were exquisitely dressed and I almost regretted my engagement to dinner. I ordered a Bottle of Beer or ale, which was remarkably clear and tolerably strong, being very brisk at the same time. I had also several glasses of *vin chably première qualité*, a weak cheap white Wine, which I liked extremely ; and for all this I was charged as follows :

	f.	s.
Pain - - - - -	—	4
Vin chably, et Bierre - -	1	5
Boeuf aux choux - - -	—	10
Langue, aux petits pois - -	—	12
	2	11

No man could wish for a better dinner, & in this most expensive district of Paris the price was exactly as above stated, being just 2/1½ str. Omitting the wine & the Tongue, the charge would have been 7½ ; and if a person can dine on a large loaf of the finest Bread, a complete platefull of excellent Beef & Cabbage, & a full quart of pretty strong ale, he may do so every day of the year for the trifle I have mentioned. If he chuses to give 2d. to the waiter and indulge in a large Bumper of Cognac, his dinner will be handsomely paid for with a shilling sterling ; nor would there be any necessity always to call for Beef & Cabbage, as the House affords twenty or thirty other good dishes equally cheap, besides half a dozen of Soups which cost 4d. per bason. It is also to be recollected, that this place bore no resemblance to the shabby Beef à la mode & Chop Houses in London, where Clerks, & Journeymen Tailors, and Gentlemen's Servants on board wages, regale at a cheap rate. The rooms were large & light, & splendidly furnished, attended by many well dressed waiters, & the Company at the different little Tables were quite genteel.

'On 29th June, exactly at 12 o'clock, we set out from Paris.

'On the 30th we arrived at the great Town of *Amiens* on the River *Somme* at eight oClock. We breakfasted here, & met with several English families travelling towards Paris. The King of Prussia & his son passed through at the same time, on their way from London. After breakfast we visited an inconsiderable Church hung with black, where they were performing a funeral service for Louis XVI, a most ridiculous ceremony and highly impolitic, in so far as it conveyed a direct censure on many

people at present high in office, who had voted for his death. We then visited the great Cathedral Church which is very large, beautifully ornamented and its spire is fully four hundred feet high. We were told that it was built by the English while they governed in this part of France. The swarms of Beggars of the most abominable & audacious description which infested this Town were unequalled in any part of the Continent through which I had travelled. They seemed to be encouraged, rather than checked by the police, & if they got nothing they insulted you with the most abusive language & grossest gestures.'

A fellow-passenger in the Diligence here was a French Captain, who, says Mr. Anderson, 'afforded a sad specimen of Napoleons army. He was a tall handsome young man, who had been besieged in Glogau, where the Garrison was reduced to great distress for want of provisions. He shewed us an order on the Commissary dated 22d. Decr. last, for 4 oz of fresh horse flesh for his Christmas dinner. He told us that the clothes he wore had been furnished to him by a very honest woollen draper at Glogau, & that he had given him his address in full payment, 'for' added he 'it will never now be possible for me to give him any thing else.' He extolled the quality of the cloth & the civility of the Shopkeeper. He said that during the blockade, he was ordered to go out of the Garrison to seize on some sheep in a penn in the suburbs, which belonged to a Lady with whom he was acquainted & who had behaved to him with particular hospitality & politeness. When he told her his errand she entreated that her sheep might not be carried off, & offered him 60 francs in their stead. He held out his hands for the money, put it into his pocket, & at the same moment commanded his men to drive away the Animals. The English Lady who was listening to this horrible story, exclaimed 'Ah thou villain!' The Frenchman quite at his ease, replied 'Villain Madame, by no means; General Laplanne did the same things; & when I gained only 60 francs, he was making 60,000. Madame, I had not seen so much money for a long time. It was a happy moment. Oh! I should like to be a General of division for six months.' These were his very words, delivered without any feeling of shame; & at the same time, this man was extremely accommodating pleasant & well informed. He told us a number of anecdotes of the same nature; and said that the thing which shocked him most in the course of his travels, was to see the Emperor shamefully caricatured at

Dresden. Now I had seen these same caricatures, & they were quite tame & inoffensive, when compared with ours in Britain. It is a great proof of the power of Bonaparte's Party, that nothing of the kind existed in France. In Paris, there were hundreds of abusive pictures of Cambacerès, Regnaud St. Jean d'Angely, & others who had been dismissed from office, & of the English in general, but no pencil had ventured to vilify the great Napoleon.

'We left Montreuil at half past twelve o'clock & passing through *Cormont*, we arrived at *Samer* about three oClock in the morning of Friday the 1st of July. At half past five we reached *Boulogne sur mer*. This Town is situated at the mouth of the small River *Lianne*. It is divided into the high & the low Town. We breakfasted at an Inn in the latter, where the French Officer left us. We walked up through the high Town, where we had a fine view of the sea & the Road-stead, where the paltry Flotilla of the Emperor had been stationed. The wooden work of the great projected Tower is still standing. Its appearance from the sea when I passed at Dover was striking, seen from the Land here it is nothing; but Bonaparte had determined to erect an immense stone building on this spot, from the top of which he might have the pleasure of looking over the straits into England. A great proportion of the stone work is laid down & prepared.

'At 12 o'clock on 1st July we reached Calais. After dinner we walked to the end of the long wooden pier, where there were a number of British transports lying to receive some of our Troops from the South of France. We here entered into conversation with a genteel, thinnish man in black, whom I suspected to be Mr. Cochrane Johnston. He told us he had just been dining in company with one of the Prince of Eckmuhls commissaries at Hamburgh, by whom he had been informed that the Prince (Davoust) had threatened to order him to be shot if he did not produce 150,000 francs in an hour. He also said that the Commissary informed him that £500,000 str. had been taken from the Bank of that city all of which went to pay the Troops, & that no part of it was pocketed by Davoust. Walking along the Pier we saw upwards of one hundred & fifty young *poissardes* returning from digging bait on the sands, all very pretty, very well dressed and bare to the knee. The Girls of Picardy in general were prettier than those of any other French district through which I had passed. They are however accounted to be rather silly, & it is said of a Picard, that if you

tell him his house is on fire, he will answer 'it is impossible, because I have the key in my pocket.'

'At Dover we saw in the Harbour the Royal Sovereign Yacht, a splendid but clumsy vessel, which had carried over the King of France, & which had just arrived for the purpose of conveying Blucher to Calais. We had a very good dinner at the Paris Hotel & set out about half past four o'Clock in a four Horse Coach for Canterbury.'

He arrived in London on the morning of 3rd July. 'After breakfast I walked through the entry at St. James' Palace into Pall Mall, & in passing a court many people were looking at three Gentlemen smoking. One of them was the renowned *Blucher* apparently not above 60 years of age though he is said to be much older. He was dressed in black with mustachios, & very good naturedly exhibited himself to the Spectators. His appearance was a little savage owing merely to the *Costume* of his face, which is common to almost all the Prussian Officers, of whom I saw so many on the Continent. Every print I have seen of him is like the man, but the artists have thrown more of the savage Hero into the picture than the reality allows. I confess I saw him only in the dress of a private Gentleman, & if a Soldier is stripped of his feathers & Epaulets, and other ornaments, he certainly sinks considerably in the Estimation of the vulgar. It was nearly nine o'Clock before I got to my lodgings at the White horse, where I met with a gentleman from Paris, who would talk of nothing but *La Belle Limonadière au café des mille colonnes* at the Palais Royal, & assured me upon his word, that Bonaparte when he went to Battle always sung as well as he could '*Malbrouk s'en vat en guerre*' &c. The entertainment at supper was poor & dear, & I had no worse bed in the whole course of my journey, than I met with at this Inn.

'On the morning of Monday the 4th July we left Fetter Lane in the Highflyer about half past six . . . and on Friday the 8th of July . . . reached Edinburgh about nine o'clock.'

Scotstarvet's 'Trew Relation'[1]

[P. 21] *Reasons against the infeftments granted to the Erle of Lauderdales father and grandfather.*[2]

1. The infeftment granted on the dimission of the Master of Gray as abbot of Dumfermlin is null the master not being laufullie provyded abbot be dimission or deprivation of the incumbent but be the contrair Henry Pitcarne was standing laufull abbot for the tyme and continued so many yeirs after. 2° altho the m^r of Gray had been laufullie provyded abbot yet he could not dilapidat his benefice & dispone the lo[rdschip] of Mussilburgh & others to the E[rles] grandfather in prejudice of the kirk. 3° the other infeftments granted to the chancellour's lady and sone anno 1583 upon his awin resignation was null he having no laufull infeftment of before qhilk could be the ground of any such resignation and our dearest father having no power be the act of annexation to grant any such new infeftments for the reasons befor deduced, and as to the last infeftment granted to his father the samyn is null not only for the reason above rehersed but also was granted *ex falsa causa suppressa veritate, falsitate expressa* for qheras it beares relation to the infeftments granted to his predecessours the samyn could be no trew nor valid ground of granting the last infeftment being null for the reasons above specifeit and lykwise our dearest mother Q[ueene] Anne was be an heretabill infeftment proceding upon ane dimission of Abbot Pitcarne laufully & heretabilly infeft in the haill lo[rdschip] of Dumfermling comprehending the lordschip of Mussilburgh *per*

[1] Continued from *Scottish Historical Review*, vol. xii. p. 183.

[2] The docking of the manuscript has cut away the upper half of 'and grandfather,' but enough remains for those words to be read. John Maitland, second earl (afterwards Duke) of Lauderdale, born at Lethington 21st May, 1616, receives a full share of Scotstarvet's ill word about him in the *Staggering State of Scots Statesmen*, ed. Rogers, p. 45. 'And albeit his estate was great' (wrote Scot, *circa* 1652-60, when Lauderdale was a prisoner in the Tower) 'by the conquests of his grandfather, yet it is well known at this day that if all men were paid their lawful debts there would be little or nothing left thereof.'

expressum and be vertue therof our umqhill dearest mother and we being infeft as air to her were in peaceable possession of the sds lands & lo[rdschips] be the space of 50 yeirs and swa had undoubted rycht therto notwithstanding the sd two pretended infeftments granted to him and his predecessor qhilk right is no ways mentioned but supprest as it had never bein *in rerum natura* but be the contrare makis only mention of a lyfrent chartour granted to our dearest mother qheras she was heritor of the sd abbacie be vertue of the sd infeftment cloathed with continuall possession since and ratified in parl[t] anno [ ].

2. Albeit the infeftments granted to the erle & his predecessors might have bein in law found more valid than the infeftment granted to our dearest mother yet it is manifested *falsum* that then was resting to the sd erle the bygone rents of the sd lo[rdschip] for many yeirs intrometted with by us qhilk bygone rests are the ground & motive qherfore we were induced to grant the forsd new right because we being *bona fide* possessors and having medled with the sd byrun rests be vertew of our infeftment cloathed with so long possession in no law or reason could we have bein subject to the sd byrun rests Lykeas the sds infeftments would not only have defended us from the bygone rests but in tyme coming untill they had bein reduced.

3° the sd former infeftments albeit hereby the erle might have pretended right as he could not to the bygone rests yet in swa farre as therby he could pretend any right to the superiority and entry of vassalls the samyn were surrendred be him for himself and in name and behalff of his sone in the generall surrender and declared null be the act of parl[t] 1633. Lykeas the forsd resignation necessarly imports a tacite passing fra and renunciation of all bygone rests alledgit auchtand be us there being no reservation of the samyn in the generall surrender, and farder be the surrender it is manifest that the sd erle reserved to himselffe no right at all to the lo[rdschip] of Mussilburgh nor to the few maills fewfermes or rents therof bygone or in tyme coming there being only a reservation to the surrenders of the few maills few fermes ay & qhill they receive satisfaction in maner therin contened and expresly therin provyded that they sould brooke & possesse the sds few maills and few fermes be vertue of there pretended rychts and infeftments of the samyn ay & qhill they ressave satisfaction as sd is, but swa it is that the tyme of the sd surrender the sd erle brooked no new fermes or few maills at all of the sd lo[rdschip] of Mussilburgh be vertue of any infeftment

qhatsumever bot be the contrair they were peaceably bruicked be us and our umqhill dearest mother and consequently any pretended old title he had therto was purely & simply surrendred without any reservation in favours of the sd umqhill erle.

4° the pretended ratification granted to the sd umqhill erle in parl[t] of the forsd infeftment aucht to be reduced *in consequentiam* as being granted of a null right and swa null in the selffe and can nether prejudice our right nor the vassals right of the sd lo[rdschip] qho were not called therto and swa it is *salvo jure cujuslibet* Lykeas the samyn ratification was privatly purchased Lykeas the infeftment of bailzierie granted to the sd Erle of Dumfermlin is null as being granted be the m[r] of Gray qho had no right and is prescryved we and our predecessors and the Erle of Dumfermling having right fra him being long above 40 yeirs in possession notwithstanding therof: and sicklyke the old bailzierie of Mussilburgh and the erection of a regalitie in Mussilburgh granted to the Erle of Lauderdales predecessors are null for the reasons before deduced against regalities qhilk is here repeated and as being against our act of parl[t] anno 1633 Item the tack commission & bailzierie lately granted to the Erle of Dumfermlin is null for the reasons following first the tack called for sett to him of the dait above writtin is an assedation of our propertie without lawfull dissolution and in diminution of our rentall and is in effect a free gift of our propertie and an alienation of the few ferme belonging therto contrare to the generall lawes above writtin and in manifest prejudice of the vassals qho if any unlawfull tack were not granted would be comptable to our treasurer & exchecker and yet such discharges of there bolls & pryces as is in use to [be] given to the rest of the vassals Lykeas the sd tack is null becaus upon ane supplication upon sindry important reasons presented be Sir Jon Scot against the passing of the sd act in exchecker the commissioners of exchecker be there act daited the 5 Jan. 1642 ordained that the sd tack sould naways passe qhill Sir Jon were acquainted therewith and heard for our entress and the vassals of Dumfermlings entress qhilk was not done and therfore the sd tack as being surreptitiously carried throw aucht no ways to be respected seing the sds vassals conceived themselffs to be *in tuto* be the sd act of exchecker And last all sindry the forsds chartours infeftments and securities above writtin at leist some ane or other of them are false and fenzied in themselffs forged fabricated invented & devysed be the forsds persons defenders there authors and prede-

cessors as our sd advocat is informed and therfor offers to improve the samyn civillie & sufficientlie *per testes insertos et omni alio modo quo de jure* qhilk being done the forsds persons forgers feyners & devysers therof sould be punished in there persons guids & geir with all rigour in example of uthers conforme to the lawes etc and therfor all & sindry the sd pretended chartours infeftments etc aucht, and sould be reduced etc and in lyke maner it aucht to be found & declared that we have good & undoubted right to all & sindry the forsd lands etc and that the sds vassals auch & sall be vassals to us and that all chartours past be vertew of these pretended ryghts & all services & retoures not retoured to our chancellarie declared to be null *ipso facto* and the receivers therof ordained to take new chartours holden of us be way of signatour and all services laufully led to be retoured to our sd chancellarie aswell for the tyme bygone as in tyme coming acording to justice *in communi forma* dated the 19 June 1647.

When this processe was readie to be dispute in the inner house the lords produced the kings letter discharging them to goe on in that processe qherupon they obtened the act of parliament following—

[P. 22] [[1]] the [26] March 1647 the estats of parl[t] taking to consideration the petition of Jon E[rle] Lauderdale shewing that the parl[t] had bein pleased to imploy him abroad in the publick affairs of the kingdom seing that he may not remane in the same for his awin necessare affairs but most repaire to England to attend the forsd imployment and therfor desyring warrand to the lords of session and exchecker and all other judges within the kingdome that they nor none of them proceed in any action or processe persewed against the supplicant and that the llo. [*i.e.* lords] of exchecker passe no signatoures nor precepts nor receive any resignations qherin he may be concerned or prejudged during his absence furth of the king-

[1] About six words here half guillotined away and illegible. The act of parliament here quoted is the act 1647, cap. 372. Collation with the text of the act as edited in the Record (Thomson's) edition of the *Acts Parl. Scot.* (vol. vi. part i. p. 782) reveals many slight variations, mostly of mere spelling, though some are verbal. The record text gives authority to 'haveing taken' instead of 'taking'; 'abroade' following 'kingdome' instead of following 'him'; 'sua' instead of 'seing'; 'this kingdome' instead of 'the kingdome'; 'processe or action' instead of 'action or processe'; 'quhill' instead of 'till'; 'upon the sd Erle of Lawderdaill' instead of 'upon him'; and 'desire abonewritten of his supplicationne' instead of 'desyre above mentioned, etc.'

dome but to stay the same till his returne and if any thing be done be any judicatory to the supplicants prejudice that the parl[t] would be pleased to declare the samyn voyde as the supplication beares The sds estates of parl[t] finds the forsd desyre above mentioned just and reasonable and therfore in respect of the imployment put by them upon him they do hereby grant the desyre abovementioned etc.

Notwithstanding of qhich act Noll Cromwell was moved for maintainance of the college of Glasgow to grant to them the superiorities of all the bishopricks of Galloway Tonglands Whittorne & Glenluce.[1]

[1] This is a very partial statement of the case. What Cromwell did was a natural sequel of the act of Charles I. in November 1641, who made by signature and charter of mortification, the original grant of which the confirmation by Cromwell is here criticised. The deed of Charles I. dissolved 'All and sindrie the foirsaid fewmailles fewfermes teynds teynd dueties and otheres mentionat in the said signatour from his Majesties croune and patrimony therof and fra the bishoprike of Galloway abbacy of Tungland priorie of Whithorne abbacy of Glenluce and fra all other benefices whatsomevir,' and disponed and transferred them to the University and College of Glasgow. This grant was ratified by the Scottish Parliament immediately afterwards (*Acts Parl. Scot.* 1641, cap. 230, vol. v. p. 477). Some protests were taken by objectors (see *Acts Parl. Scot.* v. 577, 582, 586). The 'Ordinance' under Cromwell's administration, dated 8th August, 1654 (*Acts Parl. Scot.* vi. part ii. p. 831), repeated the grant and was confirmed by charter under the great seal on 17th November, 1654 (see further, Coutts' *History of the University of Glasgow*, pp. 99-135).

(*To be continued.*)

The Sharp-witted Wife [1]

(*A' Chailleach Bheur*).

THIS old wife, *Beura* or *Bheura*, whose name means 'shrill, sharp, cutting,' is probably of Irish origin. She is associated with places along the whole west coast of Argyllshire, each district claiming her as a native, and pointing to the spots she frequented. Sometimes the *Beur* wives are spoken of in the plural number, as staying in lochs and among rushes, and as having been very dangerous to come near. A tall reed found beside lochs is called 'the distaff of the Bera wives,' and a species of flag or water-plant 'the flag,' and sometimes 'the staff' of the same sarcastic dames.

The word *beur* is not in ordinary use. It is applied to a razor in the expression :

'Like a razor keen and cutting,'

and to a woman, who uses bitter and piercing words, in Ross's 'Ode to the Toothache' :

'Many a sharp, satiric old wife
and sportive hussy,
Require to have their jaws and gums,
Grievously afflicted.'

On the lands of Knock in Mull (*an cnoc Muileach*), at the point of *Sròn na Crannalaich*, near Loch Ba, there is a well, reputed to be 'The Well of Youth.' Thither Bera went regularly at 'the dead of night,' before bird tasted water or dog was heard to bark, and by then drinking from it kept herself always at sixteen years of age. At last, when making her way to the well on a calm morning (and such mornings

[1] This paper was written about thirty-five years ago by the late Rev. J. Gregorson Campbell of Tiree, author of *Superstitions of the Highlands and Islands of Scotland.* It is now published for the first time.—Ed. *S.H.R.*

are very beautiful in the West Highlands), she heard a dog barking. She exclaimed :

'Little knows any living wight,
When mischance may befall him ;
For me early has the dog called,
In the calm morn above Loch Ba.
I had enough of spells
To serve the seed of Adam,
But when the mischance was ripe
It could not be warded off.'

Having said this, she fell, crumbling into dust. She lived so long that she had above five hundred children. These were buried by her in the 'Burial Place of Hosts' in Ireland, according to one version of the rhyme, and according to another in Cill-mo-Neacain in Iona. She buried

'Nine times nine by seven,
In the Burial Place of Hosts in Ireland.'

The latter place is said to be the same as the stony patch of ground, not far from the cathedral, called *Cill-mo-ghobhlain* or *Cill-mo-ghobhannain.*

The last of her numerous children was the most cross-grained and peevish of the lot, but when she had none left but him she said, 'I am thankful to-night for little Churl' (*Is buidhe leam a nochd Doirbhein*).

She stayed at first on the hill tops, till one day a high wind blew the froth from the milking-pail (*an cobhar barr na cuaiche*). After that she retired to the lower grounds.

In Ardiura, in the parish of Torosay in Mull, there is a small tarn or mountain loch called *Crù-lochan* (*i.e.* the Horse-shoe Lakelet), which she said (and her long life must have made her a good authority) was the deepest loch in the world.

'The Horse-shoe tarn, little, dark, and deep,
The deepest lake in all the world ;
The great sea reached my knee,
And the Horse-shoe Tarn reached my haunch.'

In Tiree it is said that when her age was asked by the Prior's daughter (whoever she was) she said her memory extended back to the time when the Skerryvore rocks, where the lighthouse is built, and which are now covered by the stormy Atlantic, were covered with arable fields, and that she had seen the waters of

Loch Phuill in Tiree, and of Leinster in Ireland (another proof of her Irish origin) before they had attained any size.

'Little sharp old wife, tell me your age.'
'I saw the seal-haunted Skerryvore,
When it was a mighty power;
When they ploughed it, if I'm right,
And sharp and juicy was its barley.
I saw the Loch at Balefuill
When it was a little round well,
Where my child was drowned
Sitting in its circular chair;
And I saw Leinster lake in Ireland,
When children could swim across.'

In Loch Phuill, which is the largest sheet of fresh water in Tiree, there is said to be a small spot that never freezes, however hard-bound the rest of the loch may be, and from this eye the loch took its rise. Bera spoke in terms of great affection of places on the farm of Valla, in the other end of the island.

'The little dune and the big dune,
Dunes of my love;
Odram and the Raven's Mound,
Where I was young a girl,
Though I am to-day an old woman,
Bent, and decrepit, and sallow.'

She expressed an earnest desire to have a drink from the well of *Creagaig*, on the farm of Mannal, in Tiree. On the west margin of Loch Phuill there is a bare and stony rising in the ground, which becomes an island when the loch is flooded. It is called the 'Roofless Walls of the Bera Wives' (*Totachun na Cailleacha Beura*). On the south side of the Ross of Mull there is a natural enclosure in the rocks that goes by the same name. Here Bera folded her goats at night. In the daytime she drove them to pasture, where there is now no trace of land, beyond the dangerous Torrin Rocks, stretching away to the south-west of Iona (*Na Torrainnean Itheach*). At Sword Point (*Rutha Chlaidheamth*), on the north side of the same peninsula, there is a round mark in the face of the granite rocks, called 'Bera's Cake' (*Bonnach Chailleach Bheur*), produced by a cake thrown by her. So also a natural enclosure in the rocks above Gorten, in Ardnamurchan, is called 'The Old Wife's Byre' (*Bàthaich na Caillich*), it being said that she folded her cattle there.

Curious natural appearances of another kind have suggested other fancies in connection with her. She set about building a bridge across the Sound of Mull, commencing at the Morvern side, and was on her way, with a creelful of stones on her back for the purpose, when the creel strap (*iris mhuineil*) broke, and the burden fell to the ground. The stones with which the basket was filled (and it must have been one of no small capacity) form the remarkable cairn called *Càrn na Caillich* (the old wife's heap of stones). She intended to put a chain across the Sound of Islay, to prevent the passage of ships that way, and the stones are pointed out on the Jura side to which the chains were to be secured. *Beinn na Caillich*, a hill in Kildalton parish, Islay, is called after her, and a furrow down its side, called *Sgrìob na Caillich*, was made by her, as she slid down in a sitting posture. In the parish of Stralachlan and Strachur, in Cowal, Argyllshire, there is also a hill called after her, *Beinn Chaillach Bheur* (the Cailleach Bear or Bera of the *Statistical Account*, p. 105). The writer in the *Statistical Account* renders her name 'The Old Wife of Thunder,' having evidently mistaken *beur*, sharp-tongued and sharp-witted, for *beithir* (pron. *beïr*), a thunder-bolt. He adds: 'She could (according to popular stories) with ease and incredible agility transfer herself from one hill to another, command terrific thunder and desolating deluges at pleasure; and hence the dreadful apprehensions of incurring her ire that generally prevailed.'

She is 'the aged Bera' (*Beura aosmohr*), daughter of 'Crabbed the Wise' (*Greannan Glic*), referred to in legend. She had charge of a well in a valley on the top of Ben Cruachan (*Coire Chruachain*), and was to cover it every evening at sunset with a flagstone. She failed one night to do so, the well overflowed all night, and before morning Loch Awe was formed.

It is told that a man once went to see her (it is not said where) and test her wit. She had the reputation of being inhospitable and sullen. He said he would make her give him meat and lodgings for a night. He found her a very old woman, in an empty house, with nothing to sit upon, a bare floor, not overly clean, and full of holes. At first she was churlish and uncivil, but after an exchange of witticisms became more hospitable, and gave him a sheep's head to singe. The following version of the conversation bears repeating:

She. Whence has come the man with the flowing plaid and the flaunting kilt at the evening's close?

He. I came from the flag-stones near the narrow Sound, to see my lady-love at the evening's close.

She. What is your name ?

He. William Sit-down.

She (in amazement). William Sit-down !

He. Why should I not sit down, when the mistress of the house asks it ? (Sits down.)

She. Though you sit, it will not be to your benefit.

He. What should suffice for yourself during your life-time, will not that suffice for me for a night ?

She. There is nothing here but bare floor, earth full of holes, and fleas—sharp ground fleas, that will bite your two haunches most uneasily.

He (when he gets the sheep's head to singe). What is the portion of the man who singes the head ?

She. As much as he can take with him in one verse.

He.
Ear from the root is mine,
The loud babbler of the head,
The jaws and two cheeks,
Eye, and snout, and brain.

Having thus secured the whole head, he made minced meat of it, to which he helped himself in large spoonfuls.

She. The load is heavy for the weakly neck.

He. The road is but a short one.

She. Though short, it is ascent.

He. Ascent is not quicker than descent.

Having said this, he swallowed his last spoonful and went away.

J. Gregorson Campbell.

Reviews of Books

THE BOOK OF ARRAN. Volume Second. History and Folklore. By W. M. Mackenzie. Pp. xii, 388. With Illustrations and Maps. 4to. Published for the Arran Society of Glasgow by Hugh Hopkins. Glasgow. 1914. £1 1s. net.

THE appearance of the second volume of *The Book of Arran* inevitably reawakens the general feeling of regret that was experienced on the death of the promising young archaeologist whose enthusiasm did so much to inspire the original enterprise, and whose intention it was to make himself personally responsible for the whole. The task that fell from Mr. J. A. Balfour's hands has been taken up by Mr. W. M. Mackenzie, and one may cordially congratulate the Arran Society on the outcome of his work. It is an eminently readable narrative, well printed and well illustrated, and containing a great deal of matter that the many lovers of the island will welcome as at once fresh and interesting. The outstanding feature is the use made of documentary evidence, published and unpublished. At the best, what is available is episodic and fragmentary. But, as might have been expected, it is skilfully handled, with the result that in the end a consecutive and well-knit story emerges. By far the most noteworthy of the new documents is the *Journal* of John Burrel, who in 1776 was commissioned by the trustees of the seventh Duke of Hamilton to undertake the improvement of the island, and who was thus responsible for initiating the policy that culminated in the famous Sannox clearances. In writing of these clearances Mr. Mackenzie steers a very judicious course, regretting their necessity, but at the same time emphasizing the consideration shown in carrying them out. Incidentally he puts it beyond question that it was this emigration that directly prompted the famous 'Canadian Boat Song' about 'the lone shieling of the misty island.' And he has done well to draw freely on the little known *Annals of Megantic County, Quebec*, for a sketch of the fortunes of the emigrants in their home beyond the seas.

In spite of the many willing helpers whose services Mr. Mackenzie has enlisted, one misses here and there the note of personal recollection that was needed to make the picture of the nineteenth century complete. Who that knew Arran fifty years ago, for instance, could have believed it possible for its history to be written on this scale without mention of the Rev. Peter Davidson? And the Rev. Alex. Mackay of Sannox—the only man in the island who regularly wore a top hat—was a bigger personality than one would gather from the letter of the lady visitor quoted on p. 209. He was an immigrant from Kintyre. The picturesque Sunday evening service on the rocks at Corrie dates back to his time, and it was to provide a per-

LAMLASH, SHOWING DUCHESS ANNE'S HARBOUR.

From an old print.

manent settlement for him that the little church and manse at Sannox were originally built. The staple of his congregation was native, and the majority of them were swept away by the clearances; but its peculiar denominational colour, in which Mr. Mackenzie is inclined to see a fruit of the visit of the Haldanes in 1800, was derived from some of the English workmen who had been imported in connection with the attempt to foster the barytes industry in the glen. Mr. Mackay was married to a sister of Daniel Macmillan, founder of the publishing-house. The true Arran cradle of the Macmillans, by the way, was not exactly Lochranza (p. 117). It was the Cock Farm, whose real connection was with the Sannox settlements. A minor detail that one misses in the historical account of communication with the mainland is any mention of the regular summer service from Ayr by the 'Earl of Arran' in the late sixties.

It is very satisfactory that it should have been possible to preserve such a comparatively numerous set of specimens of Arran Gaelic. It is a pity there was not space to record the gradual shrinkage of the area in which it is spoken. Within living memory it was freely used in the west. To-day it is but rarely heard even in the east; it has ceased to be the language of the playground and is therefore doomed to speedy extinction. It would have been interesting, too, if Mr. Bremner's appendix on the Norse place-names had been supplemented by a similar list of those of Celtic origin. If the book is reprinted, that can be easily added. Against the same contingency a few misprints may be noted—'dolicocephalic' (p. 7), 'a *stycas*' (p. 13), 'Doulgas' (p. 89), 'Corruna' (p. 128), 'Kenneil' (p. 174),—and surely there were more than 'a hundred men and twenty ships' (p. 21) in Hakon's great armada.

E. D.

THE EARLY DAYS OF ST. CUTHBERT'S CHURCH, EDINBURGH. By George Lorimer. Pp. ix, 222. With seven Illustrations. 4to. Edinburgh: Wm. Blackwood & Sons. 1915. 7s. 6d. net.

SUCH is the title of Mr. Lorimer's book, but by the time he takes up the tale there had been a church on the site for centuries. Whatever building, however, had been there before Reformation times had been demolished in Hertford's invasion of 1544, and another had been erected. It is the latter edifice, therefore, whose early days are dealt with in this volume, the information about which is founded on the records of the Kirk Session from 1560 down to the revolution of 1688.

The author does not claim, indeed, to deal with the history of the church at all: his object is, he states, to give a description of the conditions existing in the congregation during the early times of Presbyterianism, and it may be stated at once that he has done this with a breadth of view and sanity of judgment, seasoned moreover with much quaint humour, which are worthy of the highest praise. He first takes up the early ministers, and traces the succession from the pious tailor Harlaw, who was the first Presbyterian incumbent of the church, and his successor the celebrated and able Thomas Pont, who united the position of a Judge of the Court of Session with that of minister of St. Cuthbert's.

A chapter is devoted to 'Dainty Davie' Williamson, 'probably,' as Mr. Lorimer says, 'the most curious specimen of a Covenanter on the long roll of names which have come down to us.' His many marriages have perhaps contributed most to his celebrity, but apart from the seven ladies on whom he bestowed his hand and heart, there were other incidents in his career that made for reputation. He had adventures in 'the killing time'; he was an eloquent preacher and was Moderator in 1702.

The order of service in the St. Cuthbert's of the seventeenth century was no doubt very different from that of the St. Cuthbert's of the twentieth century, but we really know very little about it. Calamy is quoted as an authority for the statement that ministers in Edinburgh preached in 'neckcloths and coloured cloaks'; but, on the other hand, the portrait of David Williamson represents him as wearing the orthodox gown and bands. We are on surer ground when we come to the celebration of Holy Communion. Probably at first there was early celebration, as Knox certainly had it at St. Andrews. But latterly there was only Communion once a year in St. Cuthbert's: it was, however, a great 'occasion,' and at one time extended over four consecutive Sundays. The quantity of wine consumed at such services was perfectly prodigious, but Mr. Lorimer gives full corroboration for his statements; what he says, however, on p. 301, seems hardly to tally with the facsimile of the beadle's account reproduced opposite: perhaps he had been looking at a similar account for another year.

There are two interesting chapters on the relief of the poor, as to which St. Cuthbert's appears to have done very well: the beautiful latten alms-dishes belonging to the church, and which are still used, are an interesting relic of its care for its poor.

A book dealing with seventeenth century church records cannot fail to treat of the subject of discipline: and not the least interesting chapter in this volume is devoted to that subject. The ethics of the cutty stool are fully discussed: we are not bored with long extracts from the Session minutes, but enough is said, and said in a very bright and interesting way; this results in making the reader realise the circumstances of each case cited, and we should be surprised if he does not share the author's indignation at the barbarous and unfeeling way in which culprits were treated. Immorality, Sabbath breaking, witchcraft and fortune-telling were perhaps the offences dealt with most frequently. But nothing was too small for the sweep of the Session's net.

Lawsuits are not generally a very amusing subject, but Mr. Lorimer treats those of the Kirk Session with a light touch. Their principal litigant was one of themselves, Sir Patrick Nisbet of Dean, whom for many years they alternately honoured and threatened, until at last in his old age he fell under their serious displeasure for kissing the mature though still buxom wife of a tapster.

We have not mentioned several subjects treated of in this book in connection with St. Cuthbert's, but enough has been said to show that it is a readable and entertaining work, and much above the usual run of such compilations. It is to be hoped that Mr. Lorimer will try his

hand at a history of the church from as far back as there is authentic record down to the present time. It would touch the history of Scotland at many points.

J. Balfour Paul.

The Incendium of Richard Rolle of Hampole. Edited by Margaret Deanesly. Pp. xxiv, 284. With plate. Demy 8vo. Manchester: University Press. London: Longmans, Green & Co. 1915. 10s. 6d. net.

Rolle of Hampole (1300-1349), contemplative mystic and profuse author in prose and verse in English and in Latin, has already a large library devoted to editing and explaining him. His production was so extensive and is so hard to determine that the impression he leaves on a plain mind is that of some bewilderment, possibly accompanied by a feeling that his real merit and quality are overmastered and buried by the quantity of his elaborate and sermonized enthusiasm of piety. The *Incendium Amoris* glows with mystic fervour, but even Miss Deanesly's diligent zeal fails to draw much non-fatty solid out of the mass. It is good, however, to have a treatise so admirably presented, with a critical account of no fewer than twenty-five codices, so capably presented and with so many helpful notes of interpretation towards a text which, while exceptionally lucid even as an example of what an anti-Renaissance student called 'Christian Latinity,' yet presents a good many turns requiring exposition of the medieval mind, grammar, and vocabulary.

The introduction exemplifies a rather odd conflict of editorial leanings, in consequence of which what begins as a search after and statement of the subject and sources of the work (with special reference to mystics, of whom St. Bonaventura and Hugh of St. Victor may have been the chief), then diverges at a tangent, quite intelligible but not wholly relevant, into a discussion of the foundation of Sion Abbey in 1415. It is true there was a connection in the surmise that John Newton, a transcriber of the *Incendium*, might have been a kinsman of Matilda Newton, Abbess of Sion, and in the fact that Sion itself was a foundation reflecting the cult which the *Incendium* preached. Still, this blood relation of themes seems nearly as thin and distant as some forms of Scots 'far-out friendship.' The biographical notes on Sir Henry Fitzhugh, Ambassador to Sweden in 1406, have a hardly less slender connection with the work of an author who died in the middle of the preceding century. But these by-products of research which are substantive pieces of history are justified in the particular place they occupy as evidences of the influence which Rolle of Hampole left behind him, and they demonstrate the bifurcation of the force of fourteenth century thought in conducing towards the changes of the Reformation on the one hand and in intensifying monasticism by recluses on the other. Miss Deanesly's study, and the hortatory and ecstatic treatise she expounds, have the merit of definite contribution of new and good matter to monastic history.

Geo. Neilson.

THE LIFE OF BARNAVE. By E. D. Bradby. 2 vols. 8vo. Vol. I. Pp. 389. Vol. II. Pp. 410. Oxford: The Clarendon Press. 1915. 18s. net.

ALTHOUGH much has been written about the French Revolution and its leaders, Mr. Bradby found, when his curiosity was aroused as to the part played therein by Antoine-Pierre-Joseph-Marie Barnave, that he was practically up against a blank wall. A short account of his life and works had been prepared and published in 1843 by M. Berenger de la Drome, and M. Aulard had included him in his account of *Les Orateurs de l'Assemblée Constituante*, but Mr. Bradby felt that scant justice had been paid to one who occupied a foremost place forensically in that never-to-be-forgotten scene of French history. So he has ransacked all the literature of the Revolution, and books written about it, and exhumed all the speeches and all the motions made in the Assembly of the Constitution by Barnave, who was one of its most powerful leaders and distinguished ornaments, and in the two volumes here noticed he has presented us not only with an interesting life of this politician, but also a most readable and instructive account of what took place in the parliamentary attempt to frame a new constitution for France before the advent of the 'Terror.'

A change in the condition of things had to be. Under the old regime, says Mr. Bradby, Frenchmen lived at best like children under a parent who sometimes lets them make a noise over their games and stops it when he thinks they have made noise enough; who chooses for them their books, and allows them to read a paper when he is satisfied that there is nothing in it that will hurt them. For all but the privileged classes oppression and burdensome taxation was the rule, and justice was hard to be obtained. Barnave, who was born at Grenoble in 1761, the son of a 'juge seigneurial' in the province of Dauphiné, and was himself trained to the bar, was filled with resentment against this state of matters, and not only vigorously wielded his pen as a pamphleteer, but with his rare gift of oratory aroused, as few others could do, the latent interest of his fellows in the cause he had at heart. And yet he was not thirty years of age, and he bore so fresh and youthful an appearance that his own friends spoke of him as 'Young Barnave' and his opponents nicknamed him 'Little Barnave' and 'The Child.' A portrait of him is given as a frontispiece to vol. i. He only lived till he was thirty-one, and then was sent to the guillotine. At first he was a strenuous opponent of the royal prerogative, but as time advanced he felt that the welfare of France required the retention of the monarchy, and he laboured to secure its continuance. When Louis XVI. and his queen and the dauphin attempted to make their escape from France, but were stopped at Varennes, Barnave was one of the deputies sent from Parliament to escort them back to Paris; and this he did with a courtesy and consideration that was later objected against him and made the occasion of his death. On the dissolution of the Constitutional Assembly he had returned to private life at Grenoble, but in August 1792 he was arrested and imprisoned on a charge of treasonably conspiring with the King against the constitution. His trial and condemnation followed, with the result already

stated. Mr. Bradby gives a lengthy list of Barnave's speeches in the Assembly, and another useful list of books and authorities consulted by him for his interesting work. There is also a copious index.

HENRY PATON.

FORNVÄNNEN. MEDDELANDEN FRÅN K. VITTERHETS HISTORIE OCH ANTIKVITETS AKADEMIEN. 8vo. Pp. 298. Stockholm: Wahlstrom & Widstrand. 1914.

THE opening article of the ninth yearly issue of the *Transactions* of the Royal Swedish Academy is by Herr Oscar Almgren, and discusses the anthropological and ethnographic problems which arise in connection with his inquiry as to the first peopling of Sweden. Other papers deal with a variety of sepulchral relics and other prehistoric antiquities. Scandinavian art is considered, in its historic bearings, in contributions on Gothland sculpture work in North Germany; on an ancient door of elaborate artistic designs in iron work, with examples of a group of curious Romano-Gothic smith work; and a study of Western European influence on Gothic painting in the North.

Several papers are devoted to Runic inscriptions in Sweden proper and elsewhere. One of these is an important disquisition by Dr. Oscar Montelius on Swedish rune-stones in the East in relation to the history of the Viking time, Swedes having found their way to Constantinople as early as the beginning of the eighth century. The most interesting illustration and demonstration of this is the case of the two marble lions formerly at the Piraeus, and now at Venice, one of which bears an inscription in Swedish runes attributed to about the year 1070, the work, no doubt, of one of the 'Vaeringi' of Swedish nationality, some of whom formed part of the bodyguard of the Byzantine emperors in the Viking age. In this paper Dr. Montelius not unnaturally claims a remote antiquity for Swedish civilization, which so early penetrated in warlike fashion to Mediterranean and Far East regions. Even so far back as the close of the Stone Age, in his view more than two thousand years before the commencement of the Christian era, the influence of this early art and constructive effort, says Dr. Montelius, can be distinctly traced in neighbouring countries.

Excellent illustrations of the principal types of the antiquities dealt with add to the interest and attractiveness of the volume. An abbreviated version of the papers is given at the end, as usual, in German.

GILBERT GOUDIE.

PRISONERS OF WAR IN BRITAIN, 1756 TO 1815: A RECORD OF THEIR LIVES, THEIR ROMANCES, AND THEIR SUFFERINGS. By Francis Abell. Pp. viii, 464. With numerous Illustrations. Demy 8vo. Oxford: University Press. 1914. 15s. net.

THIS is a most interesting study and the first book dealing exhaustively with the subject of the war prisoners in England and Scotland during the French and American wars, and it will be read with the keener interest at this time when so many prisoners are suffering in different lands a dreary

and uncertain incarceration. The writer thinks that the British of the time he treats of were not so humane to their French prisoners (and the captives were mainly French) as the French were (on paper) to their British captives; but it was a callous and venal age, and any amelioration intended for the prisoner was often rendered ineffective and nugatory through the cheating of the officials and the rascally behaviour of the contractors.

We are told of the awful privations endured by the prisoners in the hulks (a form of hideous punitive captivity rare abroad) and in the inland prisons, of which the chief were Sissinghurst, Norman Cross, Perth, Porchester, Greenlaw, Liverpool, Stapleton, Forton, Dartmoor, Winchester and Edinburgh. Some of these were better than others, but all were uncomfortable and wearisome. In almost all the food and clothing was bad, and the harsh punishment for attempted escape was the only thing a prisoner had to expect on recapture. The decent French prisoners showed wonderful adaptability, however. They plaited straw, carved bone and wood, drew and taught, and so occupied their time; made friends of their customers and often grew comparatively rich. Their cleverness turned many minds to regard them with favour in spite of the inevitable prejudice against them.

Some chapters in this book deal with the marvellous escapes the lucky ones made, and these are exciting reading enough. One hero, Tom Souville, who escaped very frequently, became a gallant privateer and yet assisted shipwrecked English ships, has a street in Calais called after him.

The author has neglected nothing to make his work complete. He has collected illustrations showing the work of the prisoners, and beautiful work it was, as well as pictures of their unwelcome habitats. He gives many extracts from their memoirs and from the records of those of their visitors—like Howard—who went to see how they fared. He has also some interesting chapters on the life of the prisoners on parole (it is strange to see how many paroles were broken), who in a certain measure adapted themselves as far as was possible to the life of their free neighbours.

A. Francis Steuart.

English Economic History. Select Documents. Compiled and Edited by A. E. Bland, B.A., P. A. Brown, M.A., and R. H. Tawney, B.A. Pp. xx, 730. Crown 8vo. London: G. Bell and Sons. 1914. 6s. net.

Students of English constitutional history have for a considerable time had the advantage of being able to consult collections of illustrative documents. But, although the materials for English economic history are widely scattered and often difficult of access, its students have had no similar guidance until the publication of this volume. The editors found, when teaching in the University Tutorial Classes organised by the Workers' Educational Association, how useful such a collection would be, and have compiled a book which will be of great value both to teachers and to students of economic history. They have brought together from many

sources an excellent selection of documents illustrating the economic development of England from the Norman Conquest to the Repeal of the Corn Laws. This material is arranged in three periods, 1000 to 1485, 1485 to 1660, 1660 to 1846, and in different sections. In these industrial and agricultural development, organisation and regulation and social conditions are more fully represented than foreign trade and its organisation, taxation, and colonisation. Short explanatory introductions and bibliographies to each section, as well as a full index, increase the students' great debt to the editors.

THEODORA KEITH.

RECORDS OF THE EARLDOM OF ORKNEY, 1299-1614. Edited with Introduction and Notes by J. Storer Clouston. Pp. xcv, 515. 8vo. Edinburgh: Printed at the University Press by T. and A. Constable for the Scottish History Society. 1914.

THIS volume of the Scottish History Society is a gallant effort to fill in the almost complete blank in our knowledge of affairs in the Islands during the thirteenth, fourteenth, fifteenth, and sixteenth centuries, and, if the result is rather disappointing, that must be ascribed to the niggardliness of fate for begrudging the materials. Nevertheless, we cannot be too grateful to Mr. Clouston for the pains he has taken to bring together such a mass of records. At present, their actual informative value may not be very great; as corroborative or counter evidence on fresh material or future hypotheses they may be of great value.

In the Introduction, Mr. Clouston makes a survey of the whole ground, and students will be struck by the considerable difference between his conclusions and those of Mr. A. W. Johnston in the latter's Introduction to *Orkney and Shetland Records* (see *S.H.R.* xii. 203). That such different conclusions are possible is clear proof of the inconclusive nature of the record evidence as a whole, and while one hesitates to differ from an authority like Mr. Johnston, yet one is inclined to agree with Mr. Clouston on some of the points at issue.

It may be said that Mr. Clouston's Introduction is not sufficiently self-contained. Before writing his own Introduction he seems to have read Mr. Johnston's, and thus his work assumes an argumentative tone to such an extent that some parts are almost unintelligible without a knowledge of the positions taken up by Mr. Johnston.

One of the main questions in dispute is whether the governing officials in Orkney and those in Shetland during the Norse period were of the same type or not. Mr. Johnston holds the former view; Mr. Clouston the latter. The evidence available does not warrant dogmatism on either side. It is probable that both were originally alike, but that, by the end of the Norse period, several modifications had occurred seems proved by the appearance of the 'roithmen' in Orkney alone.

The real character of the 'roithman' is also obscure. Mr. Clouston argues, and apparently conclusively, that the word is used in two senses; a man possessing the 'roith' or redemption rights of land; and a councilman or member of the law-thing. Nothing is said of the pronunciation of

the word, but having regard to the original Old Norse form *rað*, and the usual vowel progression in the Orkney dialect, it must certainly have been the same as the English word *wroth*. Whether these roithmen were all the lineal descendants of the old Norse Earls' *gæðingar* or bodyguard is not so clear. The roithmen were necessarily odallers, for otherwise they would have been ineligible for the law-thing. If the *gæðingar* were their ancestors, then they too must have been odallers, for odal rights came only by birth. According to Mr. Clouston, all the *gæðingar* held some form of *gæði* or emoluments from the earl—generally in the form either of earl's bordland or of escheated land. Some also of these *gæðingar* we know to have been odallers as well, but there is nothing to show that they all, or even the majority of them, were. Hence, at most, only some of the *gæðingar* can be said to have been possible ancestors of roithmen, and before we believe that any of them were, we have to assume that one of the 'chief landed men' in, say, 1100 A.D. would leave a descendant in the same property who would be one of the 'chief landed men' in, say, 1400 A.D.

Perhaps Mr. Clouston is most suggestive and penetrating where he develops Hibbert's theory that Orkney, like Iceland, Man, and Shetland, was divided into political quarters. Mr. Johnston calls this theory 'antiquated,' but one would have thought that if such a system existed in the other Norse colonies, its non-existence in Orkney would require much demonstration. Mr. Clouston argues that six of the thirty-six delegates to the Orkney thing came from Caithness (following the analogy of the Hebridean delegates to the Isle of Man thing). Nor is this improbable even when we find in the Sagas that Caithness had a lawman and thing of its own. These may have been instituted considerably later than the Orkney thing, at a time when Caithness became more developed. In the earlier days, when the Orkney thing was being established, it is quite likely that the relative importance of the Caithness settlements was not such as to warrant an independent thing of their own, and delegates would appear before their overlord the Earl—at the Orkney courts. And it is regrettable that Mr. Clouston has been unable to find any matter dealing with the original site of the Orkney thing—Tingwall in Rendall.

Mr. Clouston makes an acute and far-reaching speculation when he suggests a Pre-Norse origin for the old Orkney townships. There is no doubt that the old encircling walls are still in some places termed 'Pickie-dykes' *i.e.* Pict Dikes. They are, too, in some places far more massive than the keeping in of animals would demand, and seem to belong to the age of the giant-work to be seen at the Standing Stones of Stenness and at Maeshowe.

Mr. Clouston's Introduction so bristles with debateable points that full discussion is here impossible. Whether correct or not, Mr. Clouston is invariably suggestive and incisive in his reasoning, and has made a valuable contribution to the elucidation of the period. And the records have a value that cannot yet be fully estimated.

HUGH MARWICK.

THE ROMANIZATION OF ROMAN BRITAIN. By F. Haverfield. Third edition, further enlarged, with twenty-seven illustrations. Pp. 92. Med. 8vo. Oxford : Clarendon Press. 1915. 3s. 6d. net.

EVIDENTLY the merits of this admirable little book are being generally recognized. The author has taken advantage of the opportunity afforded by a third edition to add considerably to the text and also to increase the number of the illustrations. In its new dress the volume is more than ever indispensable to specialists, while the ordinary reader will find it full of stimulating and interesting material set forth in a style that is at once luminous and convincing. There is no better monograph on any period of British history.

GEORGE MACDONALD.

PALAEOGRAPHY AND THE PRACTICAL STUDY OF COURT HAND. By Hilary Jenkinson. Pp. x, 37. With thirteen plates. 4to. Cambridge : University Press. 1915. 8s. net.

THE author is the F. W. Maitland Memorial lecturer at Cambridge, and the essay was a paper read to the Historical Congress of April 1913. It is illustrated by thirteen plates of documents, all (except two forgeries) much contracted, technical in matter, and difficult to read. A plain man's criticism starts with some wonder why transliteration did not accompany each document, and perhaps the critic ends waiting for the answer. Scientific palaeography, which deals with minute and exact things of penmanship in the records, is perhaps a little intolerant of the craving for assistance which animates the external self-taught student. If Mr. Jenkinson's answer were that the only royal road is by individual adventure, which he styles 'rule of thumb,' it might be necessary to bow to the view of an experienced master and teacher of record, but he disclaims as absurd the proposition that rule of thumb is the best method of learning the medieval handwriting. His point is that at present the importance of palaeography is overrated, while that of the History of Administration is dangerously undervalued. This may well be so, without the slightest prejudice to the conclusion that ninety-five per cent. of Mr. Jenkinson's readers, and with them that combined study of Palaeography and Administration which he desiderates, would have profited by editorial transliteration, thrown in as a sop to the uninitiated.

This preliminary grumble of protest must be followed by grateful acknowledgment of the skill and value of the selection. The eleven genuine documents belong to the year 1225, are from one roll, come from one Lincolnshire district, concern an assessment for a tax of a fifteenth, and represent in the handwritings of men in humble position as tax-collectors the most marked differences. They exhibit very clearly the fact that at any given time the scribal hands current must be of various age and style, although the note of the whole series of eleven writs is the general predominance of an Enrolment hand, inclining to the narrow and angular lettering of the type familiar to us in Scotland in the charters of William the Lion. Collation of these returns of the possessions in cows, calves, horses, mares, pigs, bullocks, and plough-oxen of many

tax-payers, as well as in the oats, barley, and wheat they kept in stock, reveals much diversity in the clerical detail of very uneventful sums in agricultural arithmetic.

The lesson in the elements of palaeography is excellent (especially if proposed as examination matter for advanced students), but the book is not nearly so helpful as a coordination of a transcript with some directly-applied notes on both scribal and administrative methods in the documents would have made it—without the least discomposure to the savants, superior to such needs.

GEO. NEILSON.

EIRSPENNILL. NÓREG'S KONUNGA SÖGUR. Pp. 168. 8vo. Kristiania: Julius Thömtes Boktrykkeri. 1914.

A CONTINUATION of the issue, carefully collated and annotated by Norwegian and Icelandic scholars, at the instance of the Norwegian Historical Manuscripts Commission (Finnur Jónsson, editor), of the Sagas, or histories of the kings of Norway, in the Icelandic, or more properly the old Northern tongue.

The first part was noticed in this *Review* recently (*S.H.R.* xii. 197, 198), when attention was directed to interesting narratives of incidents in English and Scottish history contained in the Sagas of Kings Harald Hardrada and Magnus Barelegs. In the present issue we have the Sagas of the sons of Magnus and of King Harald Gilli (or Gillichrist, whose mother was a native of the Hebrides) and their immediate successors, with a commencement of the twelfth century Saga of King Sverri. The later stages of this Saga contain numerous references to Orkney and Shetland, which will call for notice when the continuation of the Saga is issued.

GILBERT GOUDIE.

FASTI ECCLESIAE SCOTICANAE: The Succession of Ministers in the Church of Scotland from the Reformation. By Hew Scott, D.D. New Edition revised and continued to the Present Time under the Superintendence of a Committee appointed by the General Assembly. Volume I. Synod of Lothian and Tweeddale, with portrait of Hew Scott. Pp. xviii, 450. Royal 8vo. Edinburgh: Oliver & Boyd. 1915. 20s. net.

DR. HEW SCOTT'S monumental work is of such value that a new edition amplified and brought down to date is very welcome.

In addition to biographies of the parochial incumbents of the Church of Scotland this new edition contains a list of the Scottish University Theological Professors, of the ministers of the Church of Scotland in England, and of the Missionaries and Army Chaplains of the Church.

We hope at a later date to refer again to this work, but meantime we are glad to record the issue of the first volume.

WHY WE ARE AT WAR: GREAT BRITAIN'S CASE. By Members of the Oxford Faculty of Modern History. Pp. 206. With one Map. Demy 8vo. Oxford: Clarendon Press. 1914. 2s. net.

THE ocean cannot all be drained into even an Oxford mill-pond, but the authors did well to track so faithfully the rills of connexion converging in

the lade which started the European mill-wheels in August last. Belgium bulks too large for a true perspective of the Case as we see it now. Indeed the Case has steadily broadened, till the diplomatics which appeared to count for so much in August now dwindle into fourth-rate importance. Since the war began we have learned many things and suffered a few, but the Case stands to-day only the stronger by the demonstration of the evil spirit of German policy, fitly enough having its corollary in methods of arrogant barbarism.

THE ABERDONIANS AND OTHER LOWLAND SCOTS: THEIR ORIGIN AS ILLUSTRATED IN THE HISTORY OF ABERDEEN. By G. M. Fraser. Pp. vii, 51. With Frontispiece. Crown 8vo. Aberdeen: Wm. Smith & Sons. 1914. 1s. net.

THIS essay by the librarian of Aberdeen insists on the Lowland or English character of the people and the institutions of Aberdeen, and is suggestive of broad questions as to the capacity for burghal and other collective organizations manifested by peoples of Erse speech as compared with the speakers of English.

GERMANY IN THE NINETEENTH CENTURY. (Second Series.) By A. S. Peake, B. Bosanquet and F. Bonavia. Pp. xvi, 254. 8vo. Manchester University Press. London: Longmans, Green & Co. 1915. 3s. 6d. net.

THIS review of German theology, philosophy and music in the nineteenth century—which was before the Flood—does credit to the British conscience in the determination to give fair play to German achievement.

SANCT ANDROIS AND OTHER SCOTTISH BALLADS. By Harry Alexander Wood. Pp. 44. Foolscap 8vo. Aberdeen: W. Jolly & Sons. 1914.

THESE ballads about George Wishart, James III. and Knox's story of the Downfall of Dagon require a good deal of the indulgence the author bespeaks from his critics, but they have ambition and glimpses of spirit. The preface is called *Praeludio*, an affected title hardly suited to the ballad cult.

LIFE OF GEORGE WASHINGTON, THE FATHER OF MODERN DEMOCRACY. By Very Revd. James O'Boyle. Pp. xxii, 362. With several Illustrations. Crown 8vo. London: Longmans, Green & Co. 1915. 6s.

IT is difficult to praise this book (though it is by no means a bad one) on account of its style, hasty construction, and constant misprints. Still, as a life of Washington—it does not mention the cherry tree—it is not without merit. The writer gives considerable attention to the Irish (of both kinds) who fought under Washington, and points out the flourishing position of the Catholic Church in America, although this has little to do with the subject of his biography.

American Chambers of Commerce. By Kenneth Sturges, M.A. Pp. xiii, 278. Med. 8vo. New York: Printed for the Department of Political Science of Williams' College by Moffat, Yard & Co. 1915. $2.00.

The fourth David A. Wells's prize essay takes this form, and is a very clear exposition of the origin of the Chambers of Commerce (the first founded in New York City in 1768) and of the boards of trade in the United States.

Outlines of European History. Parts I. and II. By James Henry Brenstead and James Harvey Robinson. Part I. Pp. xi, 729. With many Illustrations and Maps. Part II. Pp. ix, 555. With numerous Illustrations and Maps. Crown 8vo. Boston, New York, Chicago, London: Ginn & Co. 1915. 2 vols. 6s. 6d. each.

These excellently illustrated volumes are too short for the enormous period they attempt to cover. Still they exhibit much good work, and one wishes the authors had not been forced to compress it into a space that is really too small for it. They can, however, be read with much profit.

Einhard's Life of Charlemagne. The Latin Text edited by H. W. Garrod and R. B. Mowat. With a Plate and a Map. 8vo. Pp. lix, 82. Oxford: Clarendon Press, Humphrey Milford. Price 2s. 6d. net.

Written between the years 814 and 821 by a member of the great Emperor's household—a little man, as some chance allusions by contemporaries show—the *Vita Karoli* is a book of inestimable significance as a document of Europe. The editors preface it with a remarkably able introduction in which the discreet silences of the biographer about certain crooked and harsh aspects of Charlemagne's career are considered in weighing up what is interrogatively styled 'the good faith of Einhard.' But a court biographer's frankness is a circumscribed virtue, and the editors have done their duty with a rather severe fidelity towards certain bland general passages which slide easily over some difficult doings. Empires appear to require rough things in the making of them: it is perhaps enough that the result is a boon to mankind sufficient to outweigh the cost and the wrong. Was that the case with the re-founded empire? Are we not even now in the nightmare of its dream? The map of Charlemagne's dominions inevitably suggests a modern aspiration. The text of Einhard has been well worked over by several generations of scholars, and the Oxford editions have been admirably successful in equipping the little Einhard with all necessary annotation to fit him for the company not only of students of history (to whom he is primarily introduced) but of historians. The introducers have done well by him: he needs nothing more to make him hold his own.

Geo. Neilson.

Select Treaties and Documents to Illustrate the Development of the Modern European State-system. By R. B. Mowat. 8vo. Pp. lxiii, 127. 1s. 6d. net.

What has been called 'the Map of Europe by treaty' was a more definite thing to lay down than it was to indicate the ligatures formed by ententes

and alliances, agreements, guarantees, conventions, protocols, protests and declarations between the principalities and powers of Europe. This latter task Mr. Mowat has accomplished, giving the English *ipsissima verba* of the chief documents of the many concords of Europe, and, in addition, the terms of the Hay-Pauncefoot convention with the U.S.A. about the Panama Canal. A most valuable accompaniment is a clear and orderly introduction concisely indicating the general international connections and obligations, in spite of which the continent is such a lurid and sorry spectacle to-day, but in virtue of parts of which our confidence is steadfast. The pamphlet is in small a portfolio of papers of state invaluable for the political history of this marvellous time.

The Study of Nineteenth Century Diplomacy. By C. K. Webster. 8vo. Pp. 40. London: G. Bell & Sons Ltd. 1915. 1s. net. This inaugural lecture of the Professor of Modern History in Liverpool University emphasises the quality of special history contained in the Foreign Office archives. Some instances are given wherein the sphinx-like reserve of a Foreign Secretary gave way in a draft despatch but was restored in the issued document. Deliberate use of forgery is alleged, on Dr. Seton Watson's demonstration, to have been made by Austrian diplomats to prejudice Serbia in the crisis which provoked our great war. A notable suggestion is the need for 'a catalogue of handwritings,' in facsimiles, for the identification and verification so often necessary of political manuscripts and signatures.

In Memoriam—Bertram Dobell, 1842-1914. Mr. Percy J. Dobell in half-a-dozen pages offers a modest and graceful obituary estimate of his father, the interesting and talented old book dealer in Charing Cross Road, London. Bertram Dobell was a personality known to many bibliographical and historical students and collectors, to whom he was a centre of supply. He was himself an able member of the cult. He had luck in his own literary discoveries, which often brought new treasure out of old manuscript to the ken of readers of the *Athenaeum*. He was a poet, publisher, and editor too, with distinct successes in each capacity.

The Submerged Nationalities of the German Empire. By Ernest Barker. (Pp. 66. 8vo. Oxford: Clarendon Press. 8d.) This useful tractate shows the manner of the absorption by Prussia of Prussian Poland, North Schleswig and Alsace-Lorraine, and explains why they remain unreconciled to 'compulsory nationalization.'

European Entanglements since 1748, chronologically arranged by Howard Chambers. (Pp. 56. Crown 8vo. London: Longmans, Green & Co. 1s. net.) This is a confused tabulation of the chief alliances, treaties, wars and transferences of territory out of which have come the international difficulties of the last century and a half. When one has found the entry about anything one wonders what it means.

The *Annual Burns Chronicle* (January, 1915), besides its matter about the bard himself, has notices of David Sillar and John Lapraik, his poetical correspondents.

Historical 'Bulletins' of Queen's University, Kingston, Canada, now include No. 12, *Life of the Settler in Western Canada before the War of* 1812, by Adam Shortt. It is a circumstantial record of the farming operations of Benjamin Smith, a native of New Jersey, who passed over into Canada, and in 1794 settled on a farm and started a diary. 'The original,' says Mr. Shortt, 'it is understood, is now deposited with the Ontario Archives at Toronto.' This is a nebulous mode of vouching the authority, but the facts summarised throw a clear if prosaic enough light on a settler's life between 1799 and 1812. Other recent additions to the series include *The Financial Power of the Empire*, by W. W. Swanson, and *Modern British Foreign Policy*, by Prof. J. L. Morison. The complex imperial resources of Britain are critically examined by Mr. Manson as contributing responsibilities equally with power. A 'regular alternation of diplomatic ideals'—Elizabethan energy, Jacobean pacificism, Cromwellian audacity, Stuart decadence, William III.'s 'Europeanism,' succeeding like waves—exhibiting extremes in the present generation, gives Dr. Morison historical approach to his eloquent plea for Mr. Gladstone's and Mr. Asquith's 'idea of public right as the governing idea of European politics,' in spite of all untoward tendencies in mid-Europe.

The Union Flag, its History and Design. By John A. Stewart. (Pp. 27. 8vo. The St. Andrew Society, Glasgow. 1s. net.) This essay, perhaps not free of minor controversial tenets, exhibits with gratifying clearness and with exact and well-coloured heraldic drawings the British national flag. The antecedents—English, Scottish, and Irish—are well traced, showing the flag to be indeed a historical symbolic combination. Sometimes one regrets that what the Union joined, rampant nationalism has seemed to put asunder. Our patriotisms are surely united enough to need no separate emblems when we have this one noble flag.

In *The English Historical Review* for January Professor Haverfield minimises the Roman importance of Old Sarum. Miss Skeel shows the rather feeble survivance of the Council of the Welsh Marches in the seventeenth century. Professor Haskins adduces proof, dating back to *circa* 1112, of the reception of Arabic science in England. Walcher, a Lorrainer, who was prior of Malvern, describes the use of the astrolabe, and a Cambridge treatise contains a reference to 'Petrus Amphulsus,' a twelfth-century writer on astronomy, as having been Henry I.'s physician, *Henrici primi regis Anglorum medicus.* Professor Firth edits from MS. the first Lord Lonsdale's autobiographical letter to his son.

In the April number Professor Lapsley completes his discussion of Edward III.'s dispute with Archbishop Stratford and the crisis over the king's proposal to try him otherwise than by his peers in the Parliament of 1341. Mr. S. A. Peyton, dealing with the lay subsidy rolls under the Tudors as regards their bearing on the village population, has found himself surprised by the evidence emerging that the rural population, *e.g.* of Nottinghamshire, was undergoing repeated and extensive change. He goes so far as to say that 'it seems permissible to infer that the rural population, contrary to the general conception, was not permanently rooted in its native

soil.' Rev. R. M. Woolley edits a valuable document, a set of Constitutions for the Diocese of London, *circa* 1215-1222, believed to have been issued in accordance with canon 27 of the Lateran Council. He suggests that the canons of the '*Concilium Provinciale Scoticanum*' of 1242 were probably reissues of some such diocesan Constitutions as those now edited or those of Bishop Richard Poore.

The Political Quarterly for February, in its first article, states that 'the present war has, above all things, shown the need for a new development in international control,' and other articles enforce various subordinate aspects of that great central fact. Definitions of 'Nation' and 'State' are discussed, but the bell has not yet been found for the cat.

In *The Modern Language Review* for January the Ruthwell and Bewcastle Crosses are discussed as regards the linguistic indications of date by M. D. Forbes and Bruce Dickens, who conclude very firmly for a date anterior to A.D. 867. They are therefore as much against Dr. Hewison as against Professor Cook.

Professor W. R. Halliday sends an offprint of an article in the *Annals of Archaeology* examining the legend of 'St. Basil and Julian the Apostate.' He gives an account of an early Byzantine carol recording, of course with distortions—and piously rejoicing over—the overthrow and death of Julian. The Christian feud with Julian is apparently implacable, and was still surviving half a century ago as a popular tradition in Cappadocia.

In the *Old Lore Miscellany* for January interest attaches to Mr. A. W. Johnston's friendly but critical examination of Mr. W. P. Drever's important article on 'Udal Law' in *Green's Encyclopedia*. In the April number Mr. Johnston replies to what he considers misstatements of his contentions by Mr. Storer Clouston concerning odallers and the constitution of the Thing. An anonymous paper gathers the record data for the place, function and influence of the medieval Church in Caithness and Sutherland.

Notes and Queries for Somerset and Dorset (March) continues printing quitclaims, concords, etc., of Sherborne tenants in 1377. In one concord the legal phrase *ad lucrandum vel perdendum* may have a connection with the Scottish law phrase 'to win and tyne,' *i.e.* to take the chances of a proof. A curiosity noted from a Rowbarrow Register is 'Anon' as a Christian name.

Recent numbers of the *Berks, Bucks, and Oxon Archaeological Journal* present a continuous body of antiquarian information, criticism, and research whereof the churches are oftenest the nucleus. Some notice is given in the January issue to the 'heath dwellers' of Sandhurst, Berkshire, who are credited with 'a strain of the gipsy race' and who exercised a kind of pagan worship. 'This pagan worship consisted of great erections which looked like altars with little bits of broken china on them ; and the people used to say prayers to these bits of broken plates and jugs with figures on

them.' The April issue inaugurates the twenty-first volume of the magazine, and the Editor, the Rev. P. H. Ditchfield, a versatile antiquary of wide reputation, remarks with some satisfaction mingled with some anxieties upon the coming of age, in this 'time of especial difficulty, amid the sounds of the booming of guns and the cries of distress of nations.' Needless to say, we wish him editorial prosperity long-continued after the guns have gone silent.

Aberdeen University Library Bulletin for January opens with a note by Mr. J. M. Bulloch, in which he tentatively classifies the War Office materials, estimated at 47,000 bundles and volumes, to be found at the Record Office. They embrace official data for the history of the British Army from 1794 until 1865.

The Aberdeen Book-lover for May sketches the lives of an Aberdeen bookseller, Archibald Courage (1804-1871), and of Professor A. B. Davidson (1831-1902). A war ballad by 'Hamewith' thrills in the opening page.

The American Historical Review for January reaches a standard hard to attain when it overtops in value and interest the average of the *English Historical Review*. This is a true compliment to both of these periodicals. The opening paper, the presidential address of 1914 to the American Historical Association, by Professor A. C. M'Laughlin, on 'American History and American Democracy,' is of far reach and high purport as a question set to the Republic whether the vision of 'the genius of American history' is being realised. Comments made on the great formative events of the United States point out (1) that the Revolution was not so much an episode in itself as it was a chapter of the colonial evolution of the world, (2) that its 'chiefest movement' was not the severance with Britain, but the unifying change in the colony itself, and (3) that the great Civil War, in spite of its significance on the slave question, falls into a wider generalisation as 'only one of the wars of segregation and integration in the nineteenth century.' The country, he concludes, has 'not yet come to a full realization of the tremendous effect of a conflict for integral existence.' Observations like these not only give us pause: they are much-needed touchstones of judgment for Europe in the world-storm of nations to-day. Professor M'Laughlin, without flamboyancy, has faith in his country, and we of the motherland can well understand the unfaltering yet grave spirit in which by implication he puts to his compatriots the problem of their attainment and maintenance of that noble model of nationhood formulated by Mazzini: 'A body of people united in a common duty towards the world.'

Dr. C. H. Haskins, in an article loaded with footnote citations of original sources, discusses the intercrossing influences of England and Normandy on the judicial and fiscal organization of Normandy under Henry II., especially as regards justice, with the seneschal as its chief and the criminal jurisdiction of the duke as a formidably extensive tribunal in spite of the considerable list of royal reservations. Mr. Conyers Read, under the two-

edged title 'The Fame of Sir Edward Stafford,' collects a weighty body of proofs that his 'fame,' dubious in the England of Queen Elizabeth in Armada times, is now (in spite of Professor Pollard to the contrary) that of a traitor who, while English Ambassador in France, was receiving the bribes of Spain and betraying the counsels of his mistress. An American pen-portrait is drawn by Mr. G. Bradford; it is that of General G. G. Meade, the victor of Gettysburg. Professor Baldwin discusses the, sometimes interchangeable, senses and spellings of *concilium* and *consilium*. A capital textual contribution of documents is the editing of twenty-eight letters of Lafayette in 1780 to the Chevalier de la Luzerne, French Minister to the United States. Their interest is not wholly military.

The April number starts with a good report of the series of conferences and important papers at the annual meeting of the American Historical Association, held in Chicago in December last. An elaborate programme, with attractive propositions of debate and criticism, in addition to the striking presidential address already noticed, included themes so far apart as the Earliest Assyrian Period, the reign of Hadrian, Roger Bacon, the King's Council, parliamentary privilege and royal prerogative in England, Napoleon in several phases, and various aspects of research and use of historical materials, besides, as became such an Association, many essays concerned with purely American subjects. A noteworthy feature of previous years—the presence of European scholars—was this time impossible owing to 'the condition of Europe, oppressed by warfare of the most appalling magnitude,' but to compensate for this the attendance of the membership itself was 'unusually large,' *i.e.* it was 400, a figure surpassed only twice before.

Articles include Professor Guy S. Ford's timely account of Boyen's Military Law of 1814, which established universal military service in Prussia, and prepared the way for the war of 1870 and the crime of 1914, and which (the professor suggests) challenges place as 'the most important statute of the nineteenth century.' Mr. C. M. Andrews puts forward a heavily documented account of the western phase of 'Anglo-French Commercial Rivalry, 1700-1750'—fisheries, tobacco, furs and sugar being the commodities round which the trading competition and its political corollaries waxed keenest. A note by Mr. G. L. Kittredge cites a passage from a sermon of 1624 ascribing a special aptitude in cases of pretended bewitching to 'his Maiestie, who hath a happy gift in discovery of such Impostures.'

Iowa Journal of History and Politics for January traces the beginnings of lead mining in Iowa to a bushranger, Nicholas Perrot, who in 1694 got a present of ore from Miami Indians, and started lead mines on both sides of the Mississippi. The most striking chapter of the story, however, concerns Julien Dubuque (whom the Fox Indians called 'La Petite Nuit') and his successes as grantee and exploiter of mines and his failure to find any great fortune in his strenuous enterprises from 1788 until his death in 1810. The modern phase began with the 'rush of whites' to the Dubuque mines in 1830. In the April number the autobiography of an early resident of Des Moines, John A. Nash, a schoolmaster and Baptist preacher, is printed in part, the present section covering eleven years

(1850-1861) of rather dreary although informing experiences. A more interesting article is a reprint giving accounts of the Indians of Iowa in 1842, when the Friends established curious but benevolent relations with the Winnebagoes and the Pottawattamies, visits to whom thus came to be described in a periodical of 1843-1844.

Maryland Historical Magazine for March still goes on with Rev. Jonathan Boucher's letters. Boucher writes in December 1777, in collapse after 'the News of Burgoyne's Disaster.' In November 1779 he makes the acquaintance of Dr. John Moore, 'the Author of two very entertaining Vols. of Travels lately published,' and profits by that genial Scotsman's friendly interest. 'It is to his Recommendation I owe the having two Sons of a Sir Jas. Maxwell near Glasgow who come next month.'—*i.e.* as pupils. Writing about the American War, Boucher feels himself utterly confounded. 'It is all a Paradox and a Dream: and I have never been able to see an Inch before my Nose through the whole Progress of it. Thirteen Colonies the Majority of whose Inhabitants wished not to be so lost yet have been lost: and this without a single decisive Battle; and when too every Action such as they have been has been in favour of the Losers. Happy for the World perhaps Mankind are no longer warlike; and wars must hereafter be determined by long Purses rather than Guns or Swords . . . My private Affairs in America are in perfect Unison with the publick. Everything there is turned topsy-turvy: Mankind have lost all Principles of Religion and every Thing else by which Societies are held together; and except that They are not so fierce they really are every whit as savage as the Aborigines; who now have ample Revenge on their European Invaders.'

In the *Revue Historique* (November-December) M. Bémont's 'Bulletin' on British history glances impartially at the Bannockburn monographs. In the January-February issue the French Revolution is the chief theme, but M. Emile Hammant's paper on the origins of Serbian liberty, according to the memoirs of the Protopope Matia Nénadovitch, touches the antecedents of the modern problem by its description of the situation at the close of the eighteenth century. The March-April issue has a long monograph by Abbé A. Degert on 'Le chapeau du Cardinal de Richelieu,' in which are narrated the intrigues, policies, controversies, and circumstances attendant on the bestowal in 1622 of the long-retarded cardinalate.

In the *Bulletins de la Société des Antiquaires de l'Ouest* (Poitiers) for April-September last M. Charles Tranchant gives an account of the Castle of Touffu, an ancient donjon on the left bank of the Vienne.

Communications

LIBER DE CALCHOU, No. 21.

Malcolmus Rex Scottorum Episcopis Abbatibus Comitibus Baronibus Justiciis Vicecomitibus Prepositis Ministris cunctisque aliis probis hominibus tocius terre sue

Salutem.

Sciant clerici et laici presentes et posteri me in liberam et permanentem elemosinam dedisse et hac carta mea confirmasse Deo et Ecclesie Sancte Marie de Kalchou et monachis ibidem Deo servientibus Ecclesiam de Inuerlethan cum omnibus rectitudinibus suis et pertinenciis. Tenendam ita libere et quiete sicut aliqua Ecclesia in Regno meo liberius et quiecius tenetur et possidetur. Precipio etiam ut predicta de Inuerlethan Ecclesia in qua prima nocte corpus filii mei post obitum suum quievit ut tantum refugium habeat in omni territorio suo quantum habet Wedale aut Tyningham, et ne aliquis ita sit temerarius ut pacem predicte Ecclesie et meam super Vitam et Membra sua audeat violare.

Translation.

Malcolm King of the Scots to the Bishops, Abbots, Earls, Barons, Justices, Sheriffs, Provosts, officers, and all other liegemen of his whole land

Greeting.

Know ye, clerics and laymen, present and future, that I have granted in free and permanent alms, and that I by this charter have confirmed to God and to the Church of Saint Mary of Kelso and to the monks there serving God the church of Inverlethan with all its rights and pertinents. To hold as freely and quietly as any church in my kingdom is freely and quietly possessed. And I order that the church of Inverlethan (in which the body of my son rested the first night after his death) shall have as great a sanctuary in all its territory as Wedale or Tyningham has, and that no one dare to violate the peace of the said church and my peace on penalty of life and limb.

Date later than 1159: the grant of the church of Innerleithen is not mentioned in the Great Charter (Nat. MSS. i. No. xxxii.). The first part of this charter is genuine, though I doubt whether it has been carefully copied. The transcriber has written *permanentem elemosinam* instead of *perpetuam*. King William confirmed the donation *pie memorie regis Malcolmi fratris mei ecclesiam de Innerlethan* (*Lib. de Cal.* pp. 16, 316). It was also confirmed by Joceline and Walter, Bishops of Glasgow (*ib.* pp. 229, 329, 332), and by Pope Innocent IV. (*ib.* p. 321).

The confirmations do not mention this sanctuary.

The charter bears that the territory of the church of Inverlethan was to be as great a *refugium* as Wedale or Tyningham. There is no evidence that any territory was attached to Inverlethan. In the old rental it is stated that the monks had *juxta ecclesiam de Ennirlethan unam acram terre que solebat reddere per ann. xii denarios* (*ib.* p. 460). Nowhere else is there any reference to a sanctuary there. Nor is there any record of a sanctuary at Tyningham. Cosmo Innes (*Sketches*, p. 198) says, 'We have little further information.' As to Wedale, Mr. Innes says (*ib.* p. 196), 'The most celebrated and probably the most ancient of these Sanctuaries was that of the church of Wedale. . . . There is a very ancient tradition that King Arthur brought with him from Palestine an image of the Virgin, 'fragments of which' (says a writer in the eleventh century) 'are still preserved at Wedale in great veneration." The reference is to Nennius (*Historia Britonum*, ed. Stevenson, tome III. p. 49 *n.*), 'Artur Hierosolymam perrexit et ibi crucem ad quantitatem salutiferae crucis fecit et ibi consecrata est et per tres continuos dies jejunavit et vigilavit et oravit coram cruce dominica ut ei Deus victoriam daret per hoc signum de paganis: quod et factum est: atque secum imaginem Sanctae Mariae detulit: cujus fracturae adhuc apud Wedale servantur in magna veneratione.'

In the end of the twelfth century, Wedale claimed a right of sanctuary which was not recognised by King William, for he issued a precept (*Lib. de Calcho*, No. 410) to the ministers of the church of Wedale and to the guardians of its peace, enjoining them not to detain the men of the Abbot of Kelso, who had taken refuge there, nor their goods, because the Abbot was willing to do to them all reason and justice. See *Scotichronicon*, x. 25, for infringement of the peace of Wedale in 1269.

This part of the charter has excited interest ever since Lord Hailes quoted it to prove that King Malcolm was not a 'Maiden.'

There was no reason for the contemporary historians to allege that he had remained chaste, unless that was the common report and belief. No one would have thought any the worse if the young unmarried King, not yet twenty-four years of age, had been the father of an illegitimate child; if the King made no secret of his fault and made no pretence to virtue, but stated in a charter to a Religious House that he had had a son, it is extraordinary that there should have been a constant tradition of his chastity. See the passage of William of Newbury and the statement of Fordoun, quoted in *Annals of the Reigns of Malcolm and William*, pp. 102-105.

For these reasons I doubt the genuineness of this addition to the charter.

If, however, the grant of sanctuary to the church of Innerleithen be genuine, the transcriber in the chartulary may have written *filium* instead of *patrem* or *avum*.

It is probable that Earl Henry died at Peebles, and he may have rested at Innerleithen before his burial at Kelso. King David died at Carlisle and was buried at Dunfermline, and his body may have rested at Innerleithen on the first night after his death. In Chambers' *History of Peeblesshire* (p. 367) it is said that the natural son of Malcolm IV. was drowned in a

pool near the foot of the Leithen. But this is not an old tradition: it appears long after Lord Hailes had drawn attention to this charter.

ARCHIBALD C. LAWRIE.

The extensive collections found among Sir Archibald Lawrie's papers include materials for a volume of Charters of the reigns of Malcolm IV. and William the Lion, in continuation of his 'Early Scottish Charters,' and for a volume of Annals of the reign of Alexander II. in continuation of his 'Annals of the reigns of Malcolm and William.' The former of these, which was to be arranged not chronologically like its predecessor, but by subjects, could not be published in anything like its present shape—one section only, relating to the Abbey of Dryburgh, being marked by the Author 'almost ready.' But the MS., which would be invaluable to future students as a quarry, will I hope be made accessible to them in some public library.

The other work, including not only extracts from the chroniclers but also a collection of the royal charters of the period, is so far advanced that it may be given to the world subject only to the drawbacks incident to all posthumous publications. At the request of the author's representatives, I have undertaken to see it through the press.

The above note is from the Kelso section of the 'Charters' volume. With regard to the account of the Cross of Wedale, the 'author of the eleventh century' is not Nennius, whose history is now ascribed to the end of the eighth century, but an unknown continuator whose work is preserved on the margin of a MS. of Nennius.

J. MAITLAND THOMSON.

BRIDGES AT DUNKELD. In the *Rentale Dunkeldense*, published by the Scottish History Society (1915, Second Series, volume 10), there are particulars of Bishop Brown's stone bridge of 1510 and references to a 'trene brig' in the Reformation period. The following deed gives particulars of a later bridge: At Dunkeld, January 29, 1585-6, a contract was signed between John, Earl of Athoill (with Sir Thomas Stewart of Garnetullie, Knight, William Chalmer of Drumlochie, Andrew Blair of Ardblair, and Mr. Andrew Abircrumbie, elder, as cautioners) and David Mar, wright, burgess of Perth, that 'the said David Mar sall mak and big ane sufficient brig and passage of tymmer ower the watter of Tay at the citie of Dunkeld direct foiranent the vennell callit baxteris vennell on the north and the barngabill of Robert Boyid in litill Dunkeld on the south, and sall mak the said passage of sufficient heicht and of the breid of tuelf futtis abone witht reulis and leggantes thairto and tymmerwerk of the landstellis to the samin; and to that effect the said David sall upoun his awin expenss furneis all irnewerk and wirkmanschip requisite to the said passage and sall begin and enter therto upoun the tent day of Aprile nixtocum, and sall mak compleit and end of the samin befoir the first day of August nixt thairefter in anno etc. fourscoir sex at the sicht and be the avise of the saidis cautioneris or ony ane or twa of thame being present for the tyme.' The cautioners are to pay Mar 800 merks Scots, viz. 300 at entry, 250 'howsone the trestis of the said passage beis sett on fute in the said watter,' and 250

'howsone the said passage beis reddie for the planking and befoir that the said David entre to plank the samin': they are also to deliver 'alsmekill of the tymmer presentlie growand in the wod callit the Tor as will sufficientlie serve to the accomplischment of the said haill wark, of sic sort as the said David sall pleis to chuis, and sall cut sell (? fell *or* saw) and lay the samin on the syde; and being dicht and skugrit be the said David in the said wod they sall carie and draw the said tymmer thairfra on ther expenss and lay the samin at the watter syde besyde the south entrie of the said passage; and during the haill tyme of the bigging and maiking of the said passage the saidis cautioneris at the leist ane or twa of thame sall contínewalie await and remane witht the said David for owersycht of the said work, and upoun ther awin expenss they sall caus ane sufficient number of men as the said David sall require be reddie and cume at all tymes requisite upoun twenty foure houris warning of befoir to draw the said tymmer, help to sett up the pilleris and rekis of the said brig, red the places quher the piller feitt sould stand in the watter and lay stanes about the samin; and the said work being endit the saidis cautioneris sall gif ane bountay and reward to the said David at the said nobill lordis discretioun and thair awin.' The witnesses are George Stewart of Arnetullie, Colene Eviott of Balhousse, Archibald Butter of Gormok, Thomas Nicoll, writer in Perth, Thomas Creichtoun, Thomas Gaw, and William Andersoun (? Robertsoun), notaries. (*Register of Deeds*, xxiv (1), 240: recorded Jan. 12, 1586-7.)

R. K. Hannay.

CESSION OF THE ISLE OF MAN TO SCOTLAND IN 1266. The acquisition of the Isle of Man by Scotland, after the death of King Magnus in 1265, is ascribed by the chronicles to a treaty between the kings of Scotland and Norway in the following year, whereby Alexander III. agreed to pay an indemnity for the cession of the island. This arrangement could scarcely have been effectual in view of English policy previous to that date. In the disturbed condition of the inhabitants, Henry III. extended his protection to the Manx sovereign and exacted homage and service from King Reginald in 1218 and 1219 (*Pat. Rolls*, 1216-25, pp. 150, 205). It was by the power of King Henry that the heir to the throne of Man and the Isles went to Norway in 1253; and the same king decorated King Magnus of Man with the belt of knighthood in 1256, and shielded him against the murderers of his brother, King Reginald: on both occasions a request was sent to King Alexander of Scotland to further the English projects (*Cal. of Patent Rolls*, 1247-58, pp. 190, 469; *Close Roll*, 37 Hen. III. m. 13). In these circumstances it is difficult to believe that the so-called cession of 1266 should have been accepted without demur. As a matter of fact the Scottish settlement was resisted from the outset. In 1267 King Alexander was obliged to quell an insurrection in the island, and Henry III. advised him not to go there till the times were more propitious, as fortune had not favoured such expeditions by his ancestors in the past (A. W. Moore, *Hist. of the Isle of Man*, p. 182). There was another rebellion in 1275, which resulted in

the complete overthrow of the Manx at Ronaldsway, near Castletown, where 'a conflict took place, and the wretched Manxmen, turning their backs, were terribly routed' (*Chronicle of Lanercost*, ed. Maxwell, p. 11). The treaty with Norway appears to have had no securer foundation than a modern 'scrap of paper.'

In the Register of the Priory of St. Bees (p. 489), about to be issued by the Surtees Society, there is independent corroboration of the insecurity of King Alexander's hold on the island after the settlement of 1266. It is stated in depositions *de quo warranto*, taken at the church of St. Lupus in Rushen on 16 January, 1302, before the justices and coroners of Man, under the authority of Bishop Bek of Durham, at that time ruler of the island, that Alexander the late king of Scotland, *qui Insulam de Manne per ensem conquestabatur*, had enfeoffed one of the parties with the tenements in dispute, and that the matter had been already determined by writ of the said Alexander before Maurice Acarsan, the justice who heard the plea: this Maurice was probably identical with Maurice Okarefair, said by the *Chronicle of Lanercost* (Bann. Club, p. 64) to have been third in the succession of the bailiffs of Man appointed by that king. From this statement it would appear that acquisition by conquest, not by treaty, was the feature of the transaction which dwelt in the minds of the witnesses and was acknowledged by the courts: that the Scottish title was *per ensem*, not *per compositionem* as stated in the *Chronicle of Melrose*, nor yet *per conventionem* according to the *Chronicle of Lanercost*. Two of the justices, Walter de Huntercomb and Gilbert Maschaskel, who tried the suit, could not have been unaware of the means by which the little kingdom had been annexed to Scotland, for they had a long previous connection with Manx affairs. There is little doubt that the Battle of Ronaldsway was the determining factor of King Alexander's hegemony in the island.

JAMES WILSON.

DAVID DEUCHAR, SEAL ENGRAVER, EDINBURGH. (*S.H.R.* xii. 332.) It has been my good fortune to find a very good notice of Deuchar in *Caledonian Jottings*, a privately printed periodical which appeared (under the editorship of R. J. Niven) 1st January, 1900. His chief glory was that he was the patron and teacher of the future Sir Henry Raeburn, then an apprentice to Mr. James Gilliland, goldsmith, Parliament Close, Edinburgh. Deuchar, finding out his talent, gave him some lessons in drawing and got him introduced to David Martin, whose pupil he became. Raeburn painted (*circa* 1773) Deuchar's miniature.

David Deuchar was born at Kinnell in Forfarshire in 1743, and died at Morningside House in 1808. His father became a lapidary, after his farm had been raided in 1745, at Croft an righ, and he succeeded him and was made seal engraver and lapidary to the Prince of Wales. For his amusement he also became a fine etcher. In 1788 he brought out a series of etchings of the 'Dances of Death,' after Holbein; in 1803 he published collections of etchings of the greater Dutch and Flemish masters, Rembrandt, Ostade, Bega, and Van Vliet. He painted also on thin boards, and modelled in clay, and was a known connoisseur in art and antiquarian

matters. In 1801 he become a member of the Royal Company of Archers, King's Bodyguard of Scotland. His first wife was Marion Skaill, but by her he had no issue. By his second wife (married 27th September, 1776), Christian, daughter of the Rev. Alexander Robertson, minister of Eddlestone, and a descendant of John Napier of Merchiston, the inventor of logarithms, he had six sons and one daughter, who grew up. His eldest son, Alexander Deuchar (born 1777), was seal engraver and lapidary to the Queen, and was better known as a genealogist. It was on his death, in 1844, that his library (inherited partly from his father and grandfather) of genealogical books was dispersed. His books, including many MSS., found their way into many unexpected places.

JOHN CROSSE.

DUTCH PRIZES OF 1667. The following lists of goods taken from Dutch ships captured in Shetland are copied from the original in the charter chest of the present Marquess of Tweeddale, whose ancestor, the first Marquess, was virtual head of the administration at this period. Unfortunately it is undated, but was found tied up in a bundle of papers dated 1667.

C. CLELAND HARVEY.

Jnventary of the goods takin in the dutch prize at Zetland Called the Inbrough Rowped and sold at Leith

	li.	s.	d.
Off Broun sugar—51½ tuns sold at 312 li. p. tun Js	16068	00	0
off Leaf and Roll tobacco 24940 pound sold at 6li 6s. each 100 weyt - - - -	01572	00	0
off Cottoun—7311 p^{d} weyt at 36li. p. 100 Is -	02632	14	0
of Jndico 300 p^{d} weyt at 48 s. each pound weyt -	00720	00	0
off lymewatter 54 gallouns at 48 s. p. gallon -	00129	12	0
off Tortishell 25 p^{d} weyt at 24s. p. pd - -	00030	00	0
off Gumalenny 119 p^{d} weyt at 6 s. 8 d. p. pund -	00039	12	0
The ship sold for - - - - - -	06180	00	0
	27371	18	0

Jnventary of the goods sent from Zetland in the prize called the Milkmaid.

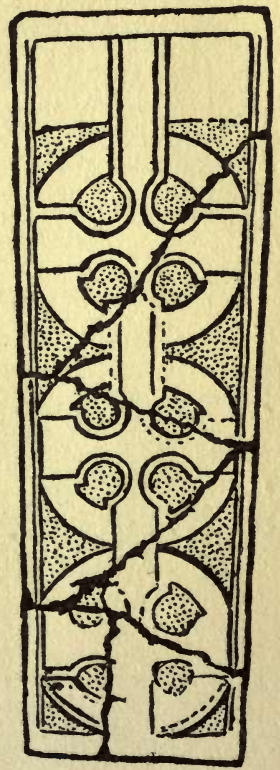
Off Sugar—803 pd. weyt sold at 15 li. 12s. p. 100.	00124	16	0
of Cinamon 300 weyt at 4 li. 16 s. p. pund -	01440	00	0
off Indico 709 at 48 s. p. pund Is - - -	01680	00	0
of Roll tobacco 188 pund at 6li. 6s. p. 100 Is -	00011	16	3
of Leaf tobacco—1550 pund sold at 36li. p. 100 -	00558	00	0
of Eliphant teeth 170 pd at 11s. scotts p. pund is	00093	10	0
19 dry hyds at 4 merks p. peice - - -	00045	6	8
of Rielitt 120 pd. weyt 6s. 6d. p. pund - -	00039	00	0
Ship sold for - - - - - - -	03360	00	0
	7352	06	11

Totall—34724 4 11.

M. TOMPSON. After the death of his wife, Agrippa d'Aubigné, the great Huguenot warrior and poet, devoted himself to the education of his children, and selected M. Tompson as their tutor. M. Rocheblave (*Agrippa d'Aubigné*, Paris, 1913) observes that Tompson was probably a Scottish refugee. One of the most characteristic letters of d'Aubigné is addressed to him (*Œuvres*, i. 420). Is anything known of him?

D. B. S.

CELTIC CROSS-SLAB FOUND AT ST. ANDREWS. Dr. Hay Fleming calls attention to a Celtic cross-slab discovered by Mr. Mackie on the 20th of May, in digging a grave a few yards beyond the east end of the Cathedral, St. Andrews. It was lying east and west, apparently *in situ*, fully four feet below the present surface of the ground. This slab seems to be unique. The accompanying sketch is by Mr. Hardie.



In the Cathedral Museum there are a number of specimens on which a nimbus or circle, divided into quadrants, connects the arms of the cross; but the chief peculiarity of this most recently discovered slab is the triplication of the cross and the nimbus. The nimbus at the east or narrow end is not a true circle, the measurement from east to west being more than an inch greater than from north to south. This is probably due to the artist having worked by rule of thumb. The crosses, circles and back-ground are not decorated. There is no trace of interlaced or zig-zag or spiral ornament. The two panels at the west end may have been intended for decoration or for an inscription; but, if so, the intention has not been carried into effect. The slab is four feet eleven inches in length, nineteen inches in breadth at the head, and fifteen at the foot. The thickness varies from four to six inches. The back is rough and unequal, the broad end looks as if it had been finished by a pick, the narrow end is not so rough, and the sides are smoother. The incising of the crosses, the circles, and border lines has been done by a small pick-like implement, which was commonly used for Celtic work on stones. One of the sides at least bears traces of a tool of the nature of a narrow-pointed chisel. The shape of the slab is also noteworthy; tapering as it does, it resembles in this respect the medieval slabs, not the Celtic. Unfortunately it was in six pieces when found, although the pieces were lying in their proper positions.

BANNOCKBURN MEDAL. The St. Andrew Society of Glasgow has had prepared a design by Mr. Graham Johnston, Herald Painter to the

Lyon Court of Scotland (from sketches by Mr. John A. Stewart), for a medal commemorative of the Bannockburn celebration last year. On the obverse is shown King Robert on horseback with the rampant lion and double tressure. Inscription: Robertus Deo Rectore Rex Scottorum. On the reverse appears the national cross of St. Andrew between four shields charged with the arms of Moray, Stewart, Bruce and Douglas. Inscription: Sexcentenary of Bannockburn 1314-1914. The obverse is an effective and spirited piece of heraldic drawing in the style of the royal effigy familiar in the Scottish great seal of the Bruce period.

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